

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 14th November, 2013 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON WEDNESDAY, 20th NOVEMBER, 2013

(DEADLINE FOR CALL-IN: MONDAY, 25th NOVEMBER, 2013)

PRESENT: Councillor K.S. Sahota (Leader and Chair), E.A. Clare, S. Davies, A.R.H. England, W.A.M. McClements, R.A. Overton, H. Rhodes, C.F. Smith and P.R. Watling

ALSO PRESENT: Councillor A.J. Eade (Conservative Group Leader) and W.L. Tomlinson (Liberal Democrat/Independent Group Leader)

CB-49 MINUTES

RESOLVED – that the minutes of the meeting held on 17th October 2013 be confirmed and signed by the Chair.

CB-50 APOLOGIES FOR ABSENCE

None

CB-51 DECLARATIONS OF INTEREST

None

CB-52 SERVICE & FINANCIAL PLANNING 2014/15 – 2015/16

Key Decision identified as **Service and Financial Planning** in the Notice of Key Decisions published on 17 October 2013.

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the joint report of the Managing Director and Assistant Director: Finance, Audit & Information Governance, which provided an update on the projected budget gap through to 2015/16 and on policy regarding future Council Tax Freeze grant offers.

The potential budget gap facing the Council was dependent on a large number of assumptions, which were appended to the report. These included no major changes in the Government's provisional settlement in the current spending round, and delivery of the additional savings that had already been identified. The projected budget gap for 2014/15 was currently £5.9m, rising to £16.9m in 2015/16. In total, the Council would need to have delivered on-

going savings or additional income of around £75m by the end of 2015/16 – equivalent to more than £1,000 for every home in the Borough.

The report outlined the Council's strategy to manage the difficult financial situation it was faced with. This involved adopting a more commercial approach and supporting growth in the Borough in order to attract additional business rates, council tax and new homes bonus. This would stimulate the local economy, provide jobs for local people and funding to support existing council services in order to minimise as far as possible cuts to front-line services. Examples of the Council's "Business Supporting, Business Winning" approach were detailed in the report, along with the commercial opportunities being taken forward by the Council (eg solar farm, investment in properties to rent) in order to generate income to help support front line services. However, further savings would still be needed, and it was unavoidable that some of these would need to be found in Care & Support services, which accounted for 36% of the Council's net budget. This was further exacerbated by the additional pressures being placed on the adult care budget by the significant reduction in the numbers of people receiving Community Healthcare (CHC) funding from the NHS in Telford & Wrekin. Discussions were continuing with the Clinical Commissioning Group with the intention of seeking an on-going CHC funding split that was more in line with national norms and therefore fairer to the Council and "self-funders".

The Government had announced that council tax freeze grants equal to 1% of council tax base before reduction for the local council tax support scheme would be available for 2014/15 and 2015/16. There was a strong possibility that the grants would be "baselined", ie: not treated as a one-off temporary grant. This followed a decision by the Government after councils had set their budgets for the current year to change the methodology for the council tax freeze grant. Over the past two years, the Council had rejected the council tax freeze grant as it did not help long-term financial sustainability. This was supported by the community, who had indicated a clear view for modest council tax increases to protect local services. However, if future freeze grants were ongoing rather than short-term, this would be more attractive. Therefore, and taking into account the cost of living pressures and impacts of welfare reform for local people, it was proposed that the Council should re-consult the community on whether the council tax freeze grant offers for 2014/15 and 2015/16 be accepted. If accepted, there would be an increase in the budget gap, but this could be mitigated by the financial benefits arising from increased council tax income, New Homes Bonus and additional retained business rates income.

Members welcomed the proposal to freeze council tax, which would help many residents who were struggling to meet living costs.

RESOLVED –

- (a) that the updated projections for the budget gap through to 2015/16, and the timetable set out in the report for finalising the Council's 2014/15 budget, be noted;**

- (b) that a two year financial strategy for 2014/15 and 2015/16 be developed to match the Government's spending plans which have been published through to 2015/16;
- (c) that in view of the Government's change in treatment of the 2013/14 Council Tax Freeze Grant, Council be recommended, subject to consideration of any feedback through the Budget consultation process, not to increase Council Tax in 2014/15 and instead take the Government's Council Tax Freeze Grant.

CB-53 REVISED SCHOOL FUNDING FORMULA 2014/15

Key Decision identified as **Revised School Funding Formula April 2014** in the Notice of Key Decisions published on 19 August 2013.

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Education & Corporate Parenting, which sought approval for proposed revisions to the funding formula for Telford & Wrekin mainstream schools.

The Department for Education (DfE) had required local authorities to implement a simpler funding formula for schools from April 2013. Following a review of the 2013/14 formulas implemented by authorities, the DfE had made some changes to the regulations for 2014/15 – and these were outlined in the report. The DfE had also published comparative information which showed that Telford & Wrekin's funding formula had an extremely high secondary to primary funding ratio compared to most other authorities.

Following consultations and discussions with the Schools Forum and schools generally, it was proposed to make some changes to the local funding formula in order to:

- Move the local secondary to primary funding ratio closer to the national average ratio;
- Offer some short term protection to schools with significant reductions in pupil numbers. Telford & Wrekin Schools Forum had agreed a £500k 'top slice' for this purpose for 2014/15, to be allocated to schools with a decrease of more than 3% in numbers;
- Introduce different lump sums for secondary and primary schools;
- Include an additional factor to offer some budget protection for small rural schools;
- Include an additional factor to provide more funding to schools with higher than average levels of pupil mobility.

The proposed changes, particularly to the secondary to primary ratio, could have a significant impact in future years, but the formula could be reviewed and, if desirable, amended each year. It was noted that there was agreement from Headteachers across all sectors for these revisions.

RESOLVED – that the revisions to the funding formula for Telford & Wrekin mainstream schools, as outlined in the report, be approved.

Key Decision identified as **Need for Employment Land in Newport** in the Notice of Key Decisions published on 17 October 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which provided information on issues relating to the supply of land for employment land uses in Newport.

The Council had a long-standing aim, through local planning policies, to achieve greater economic activity and employment in Newport to assist it to become a more sustainable settlement through reduced levels of out-commuting of residents for work. The Council had been working in partnership with other landowners to bring forward land for employment development within mixed use schemes. However, there was a risk that development proposals being brought forward by other landowners and developers might undermine the economic objectives for Newport. In order to understand the implications of these different development proposals, the Council had commissioned a study by Peter Brett Associates to provide robust and up-to-date evidence of the need for employment development land in Newport. A copy of the consultant's report was appended.

The Assistant Director: Planning Specialist reported that he had just been advised by the consultants that there were some minor inaccuracies in some of the figures in their report because they had not taken account of the most up-to-date position on a couple of relevant planning applications in Newport. This did not affect the overall conclusions of the report, which provided an indication that there was a requirement for around 8 hectares of B class employment land over the period to 2026. If this was accepted, it was proposed to increase the land available for economic development in Newport by resisting the overall loss of existing and available employment uses in Newport, and pursuing the allocation and development of land through the Shaping Places Local Plan and decisions on submitted planning applications.

In view of the minor changes that the consultants needed to make to their report, an additional recommendation was proposed to give authority to the Assistant Director: Planning Specialist to agree the necessary amendments, once received.

It was noted that the Newport Regeneration Partnership had recently indicated their support for the principle of increasing the amount of available employment land in Newport.

RESOLVED –

- (a) **that the Council continues to pursue its objective of enhancing the economic performance of Newport, through supporting opportunities for employment development and resisting non-employment uses that would reduce the overall provision of established and available employment sites in Newport;**

- (b) that, subject to resolution (c) below, the findings and conclusions set out in the Peter Brett Associates report be accepted and supported;
- (c) that it be noted that, while not altering the overall policy of supporting and protecting employment land in Newport, some of the calculations and associated narratives in the consultant's report needed to be corrected, and that authority be delegated to the Assistant Director: Planning Specialist to agree the necessary amendments when received from the consultants.

CB-55 DESIGNATION OF A NEIGHBOURHOOD PLAN AREA FOR WATERS UPTON

Key Decision identified as **Application for the Designation of a Neighbourhood Area – Waters Upton** in the Notice of Key Decisions published on 19 September 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which detailed an application from Waters Upton Parish Council for the designation of their area as a Neighbourhood area for planning purposes.

In May 2011 the Council successfully bid with Waters Upton Parish Council for the Parish area to become one of the Government's 'Frontrunners in Neighbourhood Planning'. The development of a Neighbourhood Plan required the Council to agree and formally designate the area that would be the subject of the Plan. The proposed Neighbourhood Plan area for Waters Upton, which reflected the current Parish Council boundaries, was appended to the report. The request was subject to a statutory consultation period, which ended on 20 September 2013. One representation was submitted from Stoke-on-Tern Parish Council, who had no objections to the area designation. It was suggested that the correlation with the Parish Council area would assist in any future referendum and provided a good model for future Neighbourhood Plan proposals. Given that no concerns to the proposed boundary had been raised, it was therefore recommended that the designation request be supported.

RESOLVED – that the Neighbourhood Area application by Waters Upton Parish Council be supported, and that the area shown at Appendix A of the report be designated as a Neighbourhood Area.

CB-56 REPRESENTATION ON OUTSIDE BODIES – SEVERN GORGE COUNTRYSIDE TRUST

Non-Key Decision

The Leader presented the report of the Assistant Director: Law, Democracy & Public Protection concerning a request from the Severn Gorge Countryside Trust (SGCT) for the Council to appoint three representatives to its Board of Trustees.

The Council had, for a number of years, appointed five representatives to the SGCT, which managed more than 270 ha of woodland, grassland, heathland, pools and other public spaces throughout the Ironbridge Gorge area. Following a review of its corporate governance arrangements, the Trust had reduced the size of its Board of Trustees, with a consequent reduction in the number of Council appointees from 5 to 3. Following a request from the Trust, it was proposed that the appointments be made until the end of the current Council term in May 2015 – this would bring greater continuity to the management of the Trust and allow the Trustees to build up expertise.

The political Groups had been asked to submit nominations for the three representatives, and four nominations had been received. Nominees did not need to be Elected Members. Three of the nominees were existing Trustees.

RESOLVED – that Councillor D Davies, Ms L Lomax and Councillor C Turley be appointed to the Severn Gorge Countryside Trust for the period up to May 2015.

CB-57 EXCLUSION OF PUBLIC AND PRESS

RESOLVED – that the public and press be excluded from the meeting for the following items of business on the grounds that they may involve the disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

CB-58 IRONBRIDGE GORGE WORLD HERITAGE SITE – JACKFIELD STABILISATION

Key Decision identified as **Ironbridge Gorge World Heritage Site – Jackfield Stabilisation** in the Notice of Key Decisions published on 17 October 2013.

Councillor R.A. Overton, Deputy Leader and Cabinet Member: Public Health & Public Protection, presented the report of the Assistant Director: Neighbourhood & Leisure Services, which updated Members on the land stabilisation project at Jackfield, and the procurement process for the award of contracts for the necessary works.

The report detailed the history of land instability in the Jackfield area of the Ironbridge Gorge, and the need to implement the proposed stabilisation works at the earliest opportunity. Following the authorisations granted by Cabinet in July 2013, a Compulsory Purchase Order had been made in order to acquire three parcels of unregistered land rights. Wherever possible, the Council had sought to proceed by agreement with the relevant landowners, and draft easements had been provided to those landowners who had agreed in principle to the works being carried out on their property.

The report also detailed the proposed funding of the stabilisation works, which included a significant contribution from Government. Because of the cost of the project, it had been necessary to procure the main contractor through the OJEU process. Tenders were currently being assessed, with the successful contractor likely to be appointed in December 2013, subject to final confirmation of Government grant funding.

RESOLVED –

- (a) **that, subject to the tenders being affordable within the approved funding and the confirmation of Government grant funding, authority be delegated to the Assistant Director: Neighbourhood & Leisure Services, in consultation with the Deputy Leader & Cabinet Member for Public Health & Public Protection, to award the construction and other necessary contracts, in accordance with the Council's Constitution and Contract Procedure Rules, and to enter into all related access and advanced works agreements, and all related contract and funding documents, to deliver the Jackfield Stabilisation Project – such contracts being subject to the terms and conditions recommended by the Assistant Director: Law, Democracy & Public Protection;**
- (b) **that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to execute all necessary documentation, including the affixing of the common seal of the Council to contractual documentation as appropriate.**

CB-59 DISPOSAL OF LAND OFF POOL HILL ROAD, HORSEHAY and HAUGHMOND COURT, DOTHILL

Key Decision identified as **Disposal of Land off Pool Hill Road, Horsehay and Haughmond Court, Dothill** in the Notice of Key Decisions published on 19 September 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Development, Business & Employment, which sought approval for the disposal of two surplus land assets.

Both sites were part of wider developments being brought forward by the adjoining landowner for new housing. The report set out the outcome of negotiations regarding the development of these sites, the proposed terms and conditions for the disposals, and the potential capital receipts that would accrue. Site plans were appended to the report.

Members welcomed the likely provision of new housing (some of which would be much-needed affordable and sheltered housing) that would be facilitated by the disposal of these landholdings.

RESOLVED –

- (a) that authority be delegated to the Assistant Director: Development, Business & Employment, in consultation with the Cabinet Member: Finance & Enterprise, to negotiate and dispose of the freehold interests in the corporately held land as detailed within the report;
- (b) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to seal or sign any documents required to give effect to the resolution above.

The meeting ended at 5.53pm.

Signed for the purposes of the Decision Notices

**Jonathan Eatough
Assistant Director: Law, Democracy & Public Protection
Date: 20 November 2013**

Signed:

Date:

TELFORD & WREKIN COUNCIL

**CABINET – 12 DECEMBER 2013
COUNCIL – 23 JANUARY 2014**

2013/14 FINANCIAL MONITORING REPORT

**REPORT OF THE ASSISTANT DIRECTOR: FINANCE, AUDIT &
INFORMATION GOVERNANCE (CHIEF FINANCIAL OFFICER)**

LEAD CABINET MEMBER: CLLR BILL McCLEMENTS

PART A) – SUMMARY REPORT

1.0 SUMMARY OF KEY ISSUES

1.1 2013/14 Revenue

Strong financial management continues and the overall revenue position has improved by £0.92m since the last report presented in October. Revenue spending for the year is projecting to be underspent by £0.67m at year end; there is also a balance of £2.73m remaining in contingencies which is a prudent safeguard against any unforeseen pressures which may arise during the latter part of the year. In year savings of £2.5m have also been identified, as part of the proactive budgeting approach taken, and have contributed to the overall positive position and which, if maintained for the remainder of the year, will put us in as good a position as possible for the continued pressures we will face next year with further unprecedented levels of cuts to our grants from Government.

There are a number of variations from the approved budget, including some beneficial variances. The main areas to highlight are:

- Care & Support Services are projecting an overspend of £2.6m relating to the cost of care packages and an overspend of £0.33m on staffing related to in house services (previously included in the cost of care packages variation). There are also pressures relating to Supporting People which is £0.5m over budget and the care leavers budget which is also projected to be £0.4m overspent at year end. Combined the overall overspend is currently projected at £3.8m.
- The cost of Children in Care Placements continues to be a significant pressure with an overspend of £1.9m being reported, which is in line with the last report;
- A shortfall of approximately £0.3m in relation to Lifelong Learning lost grant income;
- A cost of £0.2m related to the use of an increased number of Rapid Response Highways gangs at the beginning of the financial year

- An overspend of £0.4m relating to corporate software maintenance costs
- An income shortfall of £0.3m relating to cleaning and facilities management services
- A benefit of £0.5m arising from general waste and recycling savings
- A benefit of £0.3m arising from recovery of benefit overpayments;
- A benefit of £1.1m arising from active treasury management work;
- A refund from Government of £0.731m in relation to previously top-sliced revenue support grant;

1.2 Capital

The capital programme totals £100.4m which includes slippage from 2012/13 and approvals to date. Spend at the time of compiling this report was around 29%.

The capital programme funding includes a significant amount of capital receipts anticipated to be delivered over the medium term. Failure to achieve, or delays to, the receipts would have financial implications for the Council. The total value of receipts expected in 2013/14 is £5.5m. A contingency plan is being developed should some of the receipts expected in the medium term not be forthcoming rather than simply be subject to re-phasing and any revenue impact will be taken into account in future treasury management projections.

1.3 Corporate Income Collection

The collection level for NNDR is ahead of target; council tax and Sales Ledger outstanding debt are behind the targets set for the year.

2.0 RECOMMENDATIONS

2.1 Cabinet Members are asked to

- (i) Note that 2013/14 revenue spend is currently projecting to be within budget at year end**
- (ii) Note the position in relation to capital spend and receipts and that Cabinet recommend that Council approve the new allocations, virements and slippage detailed in Appendix 3;**
- (iii) Note the collection rates for NNDR, council tax and sales ledger.**

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-operative Council priorities?	
	Yes	Delivery of all priorities depend on the effective use of available resources. Regular financial monitoring helps to highlight variations from plan so that action can be taken to effectively manage the Council's budget.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	To outturn within, or as close as possible to, budget at 31/3/14	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The financial impacts are detailed throughout the report.
LEGAL ISSUES	No	None directly arising from this report. The S151 Officer has a statutory duty to monitor income and expenditure and take action if overspends /shortfalls emerge.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

4.0 2013/14 REVENUE BUDGET

4.1 Financial monitoring is the responsibility of budget holders and is supported by Finance staff using a risk based approach: following considerable reductions in finance resources through savings exercises more focus is given to higher risk areas (high value/highly volatile); less frequent monitoring is undertaken on budgets deemed to be lower risk.

4.2 The main changes to the variances since the last report are shown below:

Variations - £m	17/10/13 Cabinet Report	Change	Current Projected Variation
Education & Corporate Parenting – rationalisation of funding sources including DSG	0.000	-0.147	-0.147
Family & Cohesion Services – underspends projected in various budgets	+0.185	-0.324	-0.139
Care & Support – reduced overspend relating to cost of care packages	+3.061	-0.464	+2.597
Care & Support – staffing costs relating to in-house support services previously included in purchasing figure above	0.000	+0.331	+0.331
Care & Support – reduced overspend relating to care leavers	+0.598	-0.165	+0.433
Neighbourhood & Leisure Services – net shortfall of income at Leisure Centres	0.000	+0.150	+0.150
Neighbourhood & Leisure Services – overspend against Highways Rapid Response service	0.000	+0.212	+0.212
Neighbourhood & Leisure Services – savings arising from general and recycling waste	0.000	-0.511	-0.511
Development. Business & Employment – net impact of void PIP properties	0.000	+0.124	+0.124
Development. Business & Employment – one off overachievement of Planning Application income	0.000	-0.182	-0.182
Housing Benefit Subsidy – change in projected recovery of overpayments	-0.402	+0.107	-0.295
Cost of pay award	+0.655	+0.012	+0.667
Other Variances	-3.852	-0.063	-3.915
Total Projected Variation	+0.245	-0.920	-0.675
Call on Contingency(-), contribution to(+)	-0.245	+0.920	+0.675
Final Projected Variation	0.000	0.000	0.000

4.3 Variations of more than £0.100m are detailed in section 4.4 for each Service Area. The overall 2013/14 budget position is summarised in the table below:

Service Area	Previous Variations - Cabinet 17/10/13 £	Total Current Variation £	Change £
Children's Safeguarding	1,000,691	873,995	(126,696)
Education & Corporate Parenting	(74,049)	(144,694)	(70,645)
Family & Cohesion Services	184,960	(138,636)	(323,596)
Development, Business & Employment	301,686	292,900	(8,786)
Neighbourhood & Leisure Services	193,900	144,900	(49,000)
Care & Support	4,187,000	3,849,477	(337,523)
Public Health	(317,942)	(371,282)	(53,340)
Customer & People Services	215,678	101,478	(114,200)
Law, Democracy & Public Protection	67,561	25,998	(41,563)
Finance, Audit & Information Governance	(1,270,461)	(1,297,468)	(27,007)
Cooperative Council Delivery Unit	(93,550)	(73,403)	20,147
Council Wide	(4,150,238)	(3,937,799)	212,439
Total Projected Variation	245,236	(674,534)	(919,770)
Call on Corporate Contingency	(245,236)	674,534	919,770
Projected Year End Position	0	0	0

This overall position includes meeting the cost of the 2013/14 pay award and net benefits totalling £1.4m arising from the early delivery of savings. There is a further £0.28m benefit anticipated through actively supporting growth in council tax funding in line with the Council's growth policy.

4.4 Projected variances over £0.100m and information relating to savings delivered early are highlighted below.

Service Area	Variance £m
<u>Children's Safeguarding</u>	
Children in Care (CiC) – currently projecting £1.9m overspend; this reflects 315 CiC at the 10th October (321 at 31 March 2013). The cost improvement plan is well established with the aim of bringing spend back in line with the budget. The Service continues to closely monitor and review all placements, including unit costs and total costs, in line with their Action Plan and Placement Strategy.	+1.946
Contingency – set aside to meet CiC pressures; will be required in full based on current projections.	-0.930
Parenting Assessments – These are specialist assessments of parents' abilities to meet the needs of their children and are sometimes court ordered. The service is currently exploring more cost effective methods of	+0.178

undertaking this work.	
Staffing – reduced use of agency staff is projecting a saving	-0.305
Early Delivery of savings – net savings the Service Area is projecting to deliver by year end	-0.279
<u>Education & Corporate Parenting</u>	
Dedicated Schools grant – a review of this central funding has resulted in a general fund saving	-0.147
Early Delivery of savings – net savings the Service Area is projecting to deliver by year end	-0.073
<u>Family & Cohesion Services</u>	
Transport – the review of transport is not finalised and savings taken out of the budget are not likely to be fully realised in 2013/14.	+0.177
Cohesion - review and reduction of expenditure forecasts has resulted in savings being identified	-0.175
Early Intervention – review and reduction of expenditure forecasts has resulted in savings being identified	-0.168
Early Delivery of savings – net savings the Service Area is projecting to deliver by year end	-0.100
<u>Care & Support</u>	
Purchasing budgets – the projected overspend relates to 2013/14 savings taken out of budgets which have not yet been delivered, increased costs relating to the purchase of externally purchased care and overspends relating to care provided in Council ALD residential and community provision. One-off funds from the CCG are being used in 2013/14 to help offset an element of the significant ongoing additional cost pressures relating to Continuing Health Care clients consistently reported throughout last year.). The introduction of the Panel process to review all care packages is resulting in a reduction in costs in some cases, however, the net impact to date of all cases going through the process is an increase of £0.240m for the year. Recent analysis indicates that there continues to be an underlying growth in number of clients resulting in increased costs. This position includes savings from the financial improvement plan.	+2.598

<p>In House Services – this overspend was previously reported as part of Purchasing budgets above. It relates to salaries, including overtime paid to staff , delivering in house support services as part of care for ALD clients</p>	+0.331
<p>Care Leavers – overspend relating to the cost of supporting 16-18 year olds as they leave care. A review of the service will be completed soon which is hoped will result in cost reductions.</p>	+0.433
<p>Supporting People – delay in achievement of saving combined with an increase in demand for the service.</p>	+0.514
<p>Transport – projected overspend from transporting clients.</p>	+0.164
<p>Early Delivery of savings – net savings the Service Area is projecting to deliver by year end</p>	-0.215
<p><u>Public Health</u></p>	
<p>Staffing and operational budgets– projected savings arising from vacancies</p>	-0.367
<p>Drugs & Alcohol Services – general underspends</p>	-0.103
<p>Early Delivery of savings – net savings the Service Area is projecting to deliver by year end</p>	-0.132
<p><u>Neighbourhood & Leisure Services</u></p>	
<p>Leisure Centres – net shortfall on income and some additional equipment leasing charges</p>	+0.150
<p>Highways Rapid Response – relates to the operation of increased number of highways gangs at the beginning of the financial year</p>	+0.212
<p>Waste Services – savings arising from general and recycling waste</p>	-0.511
<p><u>Development, Business & Employment</u></p>	
<p>Lifelong Learning – largely as a result of loss of government grant funding</p>	+0.304
<p>Estates & Investments – loss in Property Investment Portfolio investment income arising from the longer-term rationalisation of the property portfolio to secure a more sustainable income position ongoing.</p>	+0.183

<p>Void Properties – net impact of void PIP properties. These continue to be actively marketed and the monitoring of voids will continue to be fed into the overall investment portfolio rationalisation above</p> <p>Southwater – the multi-storey car park currently being constructed is not expected to be operational until April 2014 and therefore the part-year budgeted income anticipated will not be received. However the programme for capital spend has also slipped which will reduce borrowing costs in 2013/14; the benefit of this is included in the Treasury Management underspend shown below.</p> <p>Development Planning – net of one off over achievement of Planning application in relation to BSF and other schemes</p> <p>Development Management – There is a net one off, in year benefit due to delays in appointment to vacant posts and the impact of internal secondments.</p> <p>Early Delivery of savings – net savings the Service Area is projecting to deliver by year end</p>	<p>+0.124</p> <p>+0.162</p> <p>-0.182</p> <p>-0.200</p> <p>-0.165</p>
<p><u>Customer & People Services</u></p> <p>People Services – Underspend relating to vacancies being held pending restructure</p> <p>The service area is undertaking a review of claimants receiving single persons discount which is projected to increase income from council tax. The impact of this is not included in the Service Area position as the actual benefit will accrue in the Collection Fund which is the statutory fund required to account for council tax and part of any additional income generated will benefit the Fire and Police Authorities.</p>	<p>-0.100</p>
<p><u>Finance, Audit & Information Governance</u></p> <p><u>Treasury Management</u> Benefit of active treasury management seeking to maximise benefits from low interest rates and lower borrowing than anticipated in the early part of the year reflecting slippage on capital spend and capital receipts during 2012/13 and 2013/14.</p> <p>Early Delivery of savings – net savings the Service Area is projecting to deliver by year end</p>	<p>-1.100</p> <p>-0.076</p>

<p><u>Law, Democracy & Public Protection</u></p> <p>Licensing – shortfall in licensing income</p> <p>Land Charges – additional income relating to land charges</p> <p>Early Delivery of savings – net savings the Service Area is projecting to deliver by year end</p>	<p>+0.167</p> <p>-0.120</p> <p>-0.053</p>
<p><u>Co-operative Council Delivery Unit</u></p> <p>There are currently no variances over £0.1m to report.</p> <p>Early Delivery of savings – net savings the Service Area is projecting to deliver by year end</p>	<p>-0.049</p>
<p><u>Employee Car Parking</u></p> <p>The Council has made significant in-year budget savings whilst work is ongoing on the equal pay project (which will include a review of terms and conditions) this will not be completed within this financial year. Employee savings over the past 4 years have totalled £18.4m and a further £1.2m is being delivered in 2013/14, giving an overall reduction of £19.6m. At the same time we have continued to work both with the Town Centre and also the owners of another central car park in order to find a car parking solution which minimises individual costs. These negotiations are still in progress and are unlikely to be finally resolved before the end of the year. Implementation of employee car parking charges will not therefore occur during this financial year.</p>	<p>+0.104</p>
<p><u>Government Funding Refund</u> –refund in relation to previously top-sliced Revenue Support Grant.</p>	<p>-0.731</p>
<p><u>Housing & Council Tax Benefit Subsidy</u> Projected benefit from recovery of overpayments.</p>	<p>-0.295</p>
<p><u>Purchase Rebates</u> Surplus dividend from West Mercia Energy relating to 2012/13 outturn performance.</p>	<p>-0.148</p>
<p><u>Other One off Resources</u> – identified to contribute to service overspends.</p>	<p>-2.868</p>

CONTINGENCIES

- 5.1 The 2013/14 budget includes a prudent contingency of £2.5m, which is set aside to meet any unforeseen expenditure plus an amount held centrally for contractual inflation totalling £1.67m which forms part of the approved revenue budget but which can not be allocated to specific budgets until the relevant inflation indices are available; and a specific amount of £1.3m earmarked for Safeguarding (children and adults). Given the exceptional cuts being made in the Council's budget it is imperative that the Council has a reasonable level of contingency in order to cover increases in demand for services (e.g. safeguarding which can be significant and occur with no warning) and to allow for any delays or shortfalls in the delivery of planned savings.

	£
General Revenue Contingency	2,500,000
Inflation Contingency	1,670,000
Safeguarding Contingency	1,300,000
Total Contingency	5,470,000
Commitments:	
Current Estimate of contractual inflation (based on 2012/13)	1,322,000
Safeguarding contingency applied to service overspend	1,300,000
Spend previously approved by Cabinet	116,500
Total Use of Contingency	2,738,500
Balance remaining in Contingencies	2,731,500

6.0 CAPITAL

6.1 2013/14 Capital Programme

The capital programme totals £100.4m which incorporates slippage and new approvals.

The financial position is shown in the table below which shows spend at 28.7% of the budget allocation. Projected spend is currently shown at £98.6m (reflecting previous requests to slip spend in to later years) and work is continuing to robustly challenge estimates and to confirm whether any further slippage is likely to occur which will be brought forward in future reports.

Priority	Budget £m	Spend To Date £m	% Spent	Projection
Protect and Support our Vulnerable Children & Adults	3.895	0.719	18.5	3.066
Improve the Health & Wellbeing of our Communities	2.234	0.281	12.6	2.142
Protect and Create Jobs as a Business Supporting, Business Winning Council	18.426	6.082	33.0	18.425
Improve Local People's Prospects through Education & Skills	47.698	14.825	31.1	47.924
Regenerate Neighbourhoods in Need	9.111	1.718	18.9	8.396
Managing the Organisation	3.375	0.632	18.8	3.083
Ensure that Neighbourhoods are Safe and Clean	15.637	4.558	29.2	15.592
Total	100.376	28.815	28.7	98.628

Slippage, new allocations and virements for approval are included in Appendix 3.

The capital programme funding includes a significant amount of capital receipts anticipated to be delivered over the medium term. Failure to achieve, or delays to, the receipts would have financial implications for the Council. The total value of receipts expected in 2013/14 is £5.5m. Over the medium term, work is ongoing to develop a contingency plan should some of the receipts not be forthcoming rather than simply be subject to re-phasing and any impact will be taken into account in future treasury management projections.

7.0 CORPORATE INCOME MONITORING

7.1 CORPORATE INCOME MONITORING

The Council's budget includes significant income streams which are regularly monitored to ensure they are on track to achieve targets that have been set and so that remedial action can be taken at a very early stage. The three main areas are Council Tax, NNDR (business rates) and Sales Ledger. Current monitoring information relating to these is provided below. The Council pursues outstanding debt vigorously, until all possible recovery avenues have been exhausted, but also prudently provides for bad debts in its accounts.

7.2 In summary, the overall position shows collection levels for NNDR are ahead of target while Council Tax collection and sales ledger debt is outside the target set.

INCOME COLLECTION – October 2013				
	Actual	Target	Performance	Change in cash collected on last year
Collection Levels:				
Council Tax Collection	65.76%	66.54%	0.78% behind target	+ £2,692,175
NNDR Collection	69.32%	69.12%	0.20% ahead of target	+ £1,263,423
Sales Ledger Outstanding Debt	7.37%	5.50%	1.87% behind target	+ £1,811,595

7.3 Council Tax (£66.4m)

The percentage of the current year liability for council tax which the authority should have received during the year, as a percentage of annual collectable debit. The measure does not take account of debt that continues to be pursued and collected after the end of the financial year in which it became due. The final collection figure for all financial years exceeds 99%.

Year end performance 2012/13	97.3%
Year End Target for 2013/14	97.0%

Performance is cumulative during the year and expressed against the complete year's debit.

Month End Target	Month End Actual	Last year Actual
66.54%	65.76%	66.84%

Collection is behind target by 0.78% and performance on this time last year by 1.08%. The collection performance is a direct result of the abolition of council tax benefit and the introduction of council tax support. Collection performance is showing a downward trend each month, although this can fluctuate on a month by month basis. Work continues to pro actively contact taxpayers in receipt of benefit to try and agree a payment arrangement.

7.4 NNDR-Business Rates (£70.1m)

The % of business rates for 2013/14 that should have been collected during the year. This target, as for council tax, ignores our continuing collection of earlier years' liabilities.

The measure does not take into account the debt that continues to be pursued and collected after the end of the financial year in which it became due. As a general rule the final collection figure for any financial year exceeds 99%.

Year end performance 2012/13	97.3%
Year End Target for 2013/14	97.3%

Month End Target	Month End Actual	Last year Actual
69.12%	69.32%	69.12%

NDR collection for October is 0.2% ahead of target and performance this time last year, although the good performance is largely due to some internal payments rather than a widespread increase in collection. It is estimated that collection would be 0.3% behind target had these internal payments not been made. Collection is currently being targeted by contacting those in receipt of a recovery notice with a high cash value.

Business Rates yield is also regularly monitored and the following trends are evident since the budget was set:

- There is an overall net reduction of £0.3m in the total rateable value listed on the rating list, with increases being more than offset by deletions, mergers and reductions in rateable value. Future business growth will feed into this overall position and we should begin to see a positive impact as part of the growth agenda.
- There has been an increase in reliefs granted, the majority relating to charitable and empty premises reliefs. The amount of mandatory charitable relief has increased beyond the prediction and analysis has shown that this is mainly as a result of the increase in the number of academy schools. The criteria for assessing mandatory charitable relief is set by Government only the 20% discretionary element is left for the council to decide upon.
- Appeals could be a significant cost to the Council however due to lack of information (from the Government's Valuation Office), are currently very difficult to predict. Work is in progress to gather as much information as possible in relation to appeals and officers have been liaising with the Valuation Office as part of this process.

7.5 Sales Ledger (£34.1m)

This includes general debt and Social Care debt. Debt below 2 months is classified as a normal credit period.

The target percent is set relating cumulative debt outstanding from all years to the current annual debit. The targets and performance of income collection for 2013/14 are as follows:

Age of debt	Annual Target %	October 2013	
		£m	%
Total	5.50	2.513	7.37%

Performance for sales ledger outstanding debt is outside target, but has been stable for the last few months.

8.0 PREVIOUS MINUTES

07/03/2013 – Full Council, Service & Financial Planning Strategy

25/07/2013 – Cabinet, Financial Monitoring Report

12/09/2013 – Full Council, Financial Monitoring

31/10/2013 – Cabinet, Financial Monitoring Report

21/11/2013 – Full Council, Financial Monitoring

9.0 BACKGROUND PAPERS

2013/14 Budget Strategy / Financial Ledger reports

Report Prepared by:

Ken Clarke, Assistant Director: Finance, Audit & Information
Governance (Chief Financial Officer) – 01952 383100;

Pauline Harris, Corporate Finance Manager – 01952 383701

Summary of 2013/14 Projected Variations

Service Area	Previous Variations - Cabinet 17/10/13	Total Current Variation	Change
	£	£	£
Children's Safeguarding	1,000,691	873,995	(126,696)
Education & Corporate Parenting	(74,049)	(144,694)	(70,645)
Family & Cohesion Services	184,960	(138,636)	(323,596)
Development, Business & Employment	301,686	292,900	(8,786)
Neighbourhood & Leisure Services	193,900	144,900	(49,000)
Care & Support	4,187,000	3,849,477	(337,523)
Public Health	(317,942)	(371,282)	(53,340)
Customer & People Services	215,678	101,478	(114,200)
Law, Democracy & Public Protection	67,561	25,998	(41,563)
Finance, Audit & Information Governance	(1,270,461)	(1,297,468)	(27,007)
Cooperative Council Delivery Unit	(93,550)	(73,403)	20,147
Council Wide	(4,150,238)	(3,937,799)	212,439
Total Projected Variation	245,236	(674,534)	(919,770)
Call on Corporate Contingency	(245,236)	674,534	919,770
Projected Year End Position	0	0	0

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Breakdown of Current Variation

Service Delivery Unit	General Variation	1% Salary Increase	(Net Savings)/ Pressures	Total Current Variation
	£	£		£
Children's Safeguarding	1,110,328	42,333	(278,666)	873,995
Education & Corporate Parenting	(91,342)	19,358	(72,710)	(144,694)
Family & Cohesion Services	(140,318)	101,682	(100,000)	(138,636)
Development, Business & Employment	386,570	71,030	(164,700)	292,900
Neighbourhood & Leisure Services	(21,900)	86,300	80,500	144,900
Care & Support	3,955,657	108,820	(215,000)	3,849,477
Public Health	(239,302)	0	(131,980)	(371,282)
Customer & People Services	(248,389)	147,547	202,320	101,478
Law, Democracy & Public Protection	45,164	33,560	(52,726)	25,998
Finance, Audit & Information Governance	(1,257,558)	36,090	(76,000)	(1,297,468)
Cooperative Council Delivery Unit	(44,943)	20,450	(48,910)	(73,403)
Council Wide	(3,437,799)	0	(500,000)	(3,937,799)
Total Projected Variation	16,168	667,170	(1,357,872)	(674,534)

2013/14 Revenue Budget Variations over £50,000							Comments
Description	Budget	Variations			Total Variations		
		General	1% Pay Award	Included in Savings Schedule for 13/14			
	£	£	£	£	£		
Childrens Safeguarding							
Children in Care Placements	10,004,147	1,946,823			1,946,823	The 2012/13 reported outturn position was £2.397m overspent. The budget strategy included growth of £600k and a review of costs resulting in a Cost Improvement Plan. In addition to the service base budget a corporate contingency was established as part of the 2013/14 estimates to meet demand which results in unplanned placement costs. Current forecasts are that the service is having some success in implementing the plan, and cost reductions of around £845k are being forecast to be achieved resulting mainly from "Step Down" within Placements. However, this leaves around £1.9m in placement costs over budget and therefore the forecasts include use of the Contingency in full and a residual overspend of around £1m remains. Work continues to assess the placement costs being incurred, including reviewing unit costs, numbers of children in care and the placement strategy, and currently around £132k of further cost reductions has been identified from further "Step down" of care placements. The number of Children in Care at 10th October: 315 compared to 31st March 2013:321	
Corporate Contingency	930,000	(930,000)			(930,000)	Use of one off contingency set aside as part of the budget strategy	
Children in Care Placements				(300,000)	(300,000)	Using DSG to fund the education element of residential placements currently funded from General Fund	
Other placement and parent assessments	487,430	177,988			177,988	Parenting assessments forecast overspend of £106k, relating to growth in both residential and community based assessments for babies. Resource Allocation Management Panel (RAMP) scrutiny will assist in controlling further costs. The forecast includes a small contingency for the remainder of the year.	
Staffing	4,846,243	(305,254)	42,333	(22,000)	(284,921)	The Cost Improvement Plan referred above also includes a target to reduce the use of Agency staff from the numbers called upon in 2012/13 of around 13fte's. The final 2012/13 Safeguarding overspend included £558,617 for the net cost of agency staff after accounting for vacancy savings - a total of £814k was spent on agency workers in 2012/13. The current forecast is for an outturn of around £314k in 2013/14 with the target number of agency staff being reduced down to 2 by the end of 2013/14. Current number of agency staff 6 (Cost improvement plan target at end Oct- 5)	
Staffing	Pressure to offset against savings 2013/14				43,334	43,334	Pressure identified mainly in CIC Team and to be addressed in first instance by savings proposed
Variations under £50k	2,377,655	220,771			220,771	Includes Transport,	
Total Children's Safeguarding	18,645,475	1,110,328	42,333	(278,666)	873,995		

2013/14 Revenue Budget Variations over £50,000							Comments
Description	Budget	Variations			Total Variations		
		General	1% Pay Award	Included in Savings Schedule for 13/14			
	£	£	£	£	£		
Corporate Parenting	230,263	(83,936)	575		(83,361)	Use of DSG has led to a projected DSG underspend	
ICT Commissioning	409,950	(146,971)			(146,971)	Use of DSG has led to a projected DSG underspend	
Supply Agency	56,437	57,257	131		57,388	Reserves previously used to support this budget have been fully spent	
Joint/Community Use	728,600	85,051			85,051	Loss of income from Shortwood School arising from requirement to implement a new funding formula for schools.	
Advisory Mngmnt & Support	433,124	(67,938)	2,524		(65,414)	General operational underspends	
Traded Advisory	30,718	(47,306)	1,349	(52,710)	(98,667)	Additional income forecast from traded services to schools compared to budget	
Education Services Grant	2,930,000	95,063			95,063	Revised Grant projection following the conversion of several secondary schools to Academies - ESG is only paid for pupils in maintained schools.	
School Transport	2,780,055	(67,000)			(67,000)	Current projected expenditure is at a similar level to 2012/13 which would result in a saving against the 2013/14 budget.	
Progress & Review	416,366	51,083	3,966		55,049	Additional staffing costs compared to budget.	
Variations under £50k	9,848,416	33,355	10,813	(20,000)	24,168		
Total Education & Corporate Parenting	11,891,055	(91,342)	19,358	(72,710)	(144,694)		
Family & Cohesion Services							
Transport	2,761,974	177,360	15,744		193,104	The overspend reported on Transport is arising in 2013/14 due to savings being taken out of the budget of £533k(out of £857k total Transport savings) which has not yet been delivered in full. There is a review of transport underway, this is unlikely to deliver savings this year so this overspend is likely to prevail unless met from one off's or action is undertaken to meet this elsewhere in the Service area	
Cohesion	3,227,570	(175,728)			(175,728)	Review of spending and a revision to forecasts within various service areas within cohesion has resulted in savings being identified	
Housing	728,787	53,034			53,034	The main cause of this overspend results from a shortfall in rents collected against target for BTW owned/operated properties operated as part of the homelessness service	
Early Intervention	4,683,334	(167,586)	28,947	(10,000)	(148,640)	A review of expenditure against budgets in the Children's and Family Centres and Early Intervention and family service has resulted in the savings reported	
Other variations under £50k	5,394,070	(27,398)	56,991	(90,000)	(60,407)	Savings within various budgets which are already subject to action to deliver savings or are already underspending in year	
Total Family and Cohesion Services	16,795,735	(140,318)	101,682	(100,000)	(138,636)		

2013/14 Revenue Budget Variations over £50,000							Comments
Description	Budget	Variations			Total Variations		
		General	1% Pay Award	Included in Savings Schedule for 13/14			
	£	£	£	£	£		
Care & Support							
Purchasing-all types of care for all client groups	37,695,160	2,920,739		(175,000)	2,745,739	The overspend on purchasing budgets now forecast is the result of savings of £1.667m taken out of purchasing budgets, growth in the base cost of externally purchased care of around £1.1m. The savings of £1.667m are expected to result from various Transformation initiatives which are being implemented, but are having limited impact as yet in decreasing costs or are being offset by growing costs of care. The overspend reported throughout 2012/13 included the significant impact of CHC clients no longer funded by the PCT, this position has been reflected within the base budget and is dependant on significant funding from the NHS including £2.771m-"Lansley funding" and £3.4m of one off's of which £2.4m is now back under discussion- £2.0m is now agreed and dialogue over the remaining £400k is ongoing (This contribution from the CCG was formerly thought to have been agreed) and £1m is part of a £3m payment received in 2011/12 and is being released over 3 years. Therefore a total of £6.1m of funding is included within the base budget to offset pressures resulting from the many pressures to impact the Social Care budget including CHC which is estimated to be costing the Council £8.5m per annum.	
Financial Improvement Plan savings achieved:						These savings are the result of actions undertaken to reduce the level of overspend. The Care and Support Management team have responded to the pressure on the Care and Support budget by creating a financial improvement plan which is being actioned now. In addition a Panel meeting has been re-established to consider the care cases put forward for financial support by Social Workers and to determine if when looking to meet assessed needs full consideration has been given to prevention, lower level support, reablement and efficient use of pre-purchased care contracts. The panel is also assessing whether Personalisation is being considered such as by promoting personal budgets/Direct Payments as a way of meeting assessed needs.. The underlying result on purchasing(reported above) compared to the last reported monitoring is a net marginal decrease of £79k on a like for like basis	
High Cost ALD placements			-154,985		(154,985)	A review of high cost placements has resulted in reducing the cost of some care placements	
Decommissioned blocks			-88,000		(88,000)	A review of useage of pre-purchased beds has resulted in the decommissioning of more than one contract	
Recovered duplicate payments			-32,758		(32,758)	Recovery of payments made in error	
SLA savings			-47,700		(47,700)	A review of the SLA's with the Third Sector and Advocacy groups has resulted in a small reduction in the useage and cost of service provision	
Revised purchasing variation			2,597,296	0	(175,000)	2,422,296	
Reablement and In House ALD service provision	Staffing costs	1,374,000	331,000		331,000	This overspend was formerly reported as part of purchasing. It relates to salaries including overtime paid to staff delivering in house support services as part of care for ALD clients in services operated by the Council.	

2013/14 Revenue Budget Variations over £50,000							
Description	Budget	Variations			Total Variations	Comments	
		General	1% Pay Award	Included in Savings Schedule for 13/14			
	£	£	£	£	£		
Care Leavers	574,560	433,134			433,134	This overspend at the end of 2012/13 was around £700k. The current forecasts reveal an improved position with overall lower cost care packages being awarded than last financial year. A review of the service is expected to commence shortly and there may be further in year cost reductions.	
Supporting People	2,042,050	514,000		(20,000)	494,000	A large part, £385k of this overspend is as a result of the additional savings agreed with WHT expected to result from a claim against Housing Benefit by the WHT. The remainder is forecast to arise from demand on the service	
Transport	881,000	164,001			164,001	This is a forecast based on 2012/13 outturn, the most significant is as a result of transporting ALD clients	
Other variations under £50k	5,334,560	(83,774)	108,820	(20,000)	5,046	The movement from the last reported monitoring is an increase of £113k arising from various overspends largely from spending on prevention.	
Total Care & Support	47,901,330	3,955,657	108,820	(215,000)	3,849,477		
Public Health							
Staffing and operational budgets	1,275,000	(366,690)		(30,730)	(397,420)	This underspend has arisen due to vacancies in posts yet to be filled	
Drugs and Alcohol Services	2,563,032	(103,072)			(103,072)	This figure relates to a number of general underspends, some of a one off nature, arising in the internal service. The service is facing significant cost pressures which they have sought to manage within the overall position but it is likely that the figure shown here will reduce prior to year	
Sexual health Services	1,012,218	98,479		(1,250)	97,229	This overspend results from a number of previously unknown cost pressures within the service. These will be addressed as part of the overall Public Health budget in 2014/15.	
Variations under £50k	3,265,750	131,981		(100,000)	31,981	Savings result from reducing the amount to be paid to the CCG re Community infection prevention and control	
Total Public Health	8,116,000	(239,302)	0	(131,980)	(371,282)		
Neighbourhood & Leisure Services							
Leisure	Net impact of variances across a number of Leisure Centres and Facilities	717,000	150,000		43,000	193,000	Net impact of variances across a number of Leisure Centres and Facilities, including variances in income and the costs of leasing new equipment and additional costs arising from the new Dawley Sports and Learning Community.
Arts and Culture	The Place Theatre	(677,321)	88,000			88,000	The 2013/14 budget proposals included increased income from The Place of £100k. Whilst income from the pantomime is projected to be above budget and an improvement on last years income it is unlikely that the increased and challenging income target can be met. This will be offset by funding from Corporate savings.
	Music Service		17,000		40,000	57,000	Music Service current / historical income pressure.
Public Realm	Winter Maintenance	586,527	66,000			66,000	Additional pressures on the severe weather budget anticipated in order to maintain a service based upon an average winter. This figure will increase if we get periods of prolonged severe weather during winter 2013/14. It is proposed that this is funded from the budgeted contingency.
			(66,000)			(66,000)	One off from budgeted contingency to meet winter maintenance overspend.

2013/14 Revenue Budget Variations over £50,000							
Description		Budget £	Variations			Total Variations £	Comments
			General £	1% Pay Award £	Included in Savings Schedule for 13/14 £		
	Environmental Maintenance	4,465,574	25,000			25,000	Following requests from the public and Members two additional grass cuts have been carried out as an additional to the existing TWS contract following service reductions in 2011/2012. It is proposed that this is funded from the budgeted contingency.
			(25,000)			(25,000)	One off from budgeted contingency to meet cost of additional grass cuts.
Highways & Neighbourhood Management	Rapid Response Highways Gangs	312,000	212,000			212,000	Several highways gangs operating at the start of year, now reduced down to 2 highways gangs.
	Street lighting	1,194,000	(72,000)			(72,000)	Savings a result of change of lamps more energy efficient, plus below the capped rate on energy costs.
	Waste	11,025,000	(511,000)			(511,000)	A number of savings arising from general and recycling waste.
Variations under £50k			94,100	86,300	(2,500)	177,900	
Total Neighbourhood & Leisure Services			(21,900)	86,300	80,500	144,900	
Development, Business & Employment							
Lifelong Learning	Loss of Grant & Salaries	879,690	304,000			304,000	Largely as a result of Government grants no longer being received.
Estates & investments	Rental Income	(56,000)	56,000			56,000	The retail unit to the front of the Bingo & Bowling recently constructed in Southwater was planned to be operational in 13/14. However due to construction within the area ongoing, the part year budgeted rental income for 2013/14 cannot be achieved. The unit continues to be actively marketed.
Estates & investments	PIP rationalisation		183,000			183,000	The ongoing rationalisation of the PIP has resulted in an in year pressure of £183k. Whilst individual investments have been prudent and developed on a business case basis, funding has been secured through the disposal of very poor properties, which have high yields. However, they do not represent good long term investments and would not support the income target long term. Whilst rationalisation has resulted in a pressure it will deliver certainty in terms of income moving forward. £88k of this has been identified as an ongoing pressure but pressures are greater this year due to the timing of disposals against acquisitions which has left a period where there is no income stream, a delay in receiving ERDF funding to renovate the Business development centre (where we continue to carry considerable voids) and the economic climate. We are due to hear on ERDF in the next month but indications are positive. Moving forward consideration will be given to using prudential borrowings to secure new property before disposal occurs to reduce impact on the income target as costs of borrowing are likely to be lower than loss of rent.
Estates & investments	PIP - other	(5,487,000)	124,000			124,000	Net impact of void PIP properties. These continue to be marketed actively and the monitoring of voids will feed into the investment portfolio rationalisation above.
Estates & investments	Southwater Multi Storey Car park	(162,000)	162,000			162,000	The multi storey car park currently being constructed in Southwater is planned to be operational by 1st April 2014. Therefore the part year budgeted income for 2013/14 cannot be achieved.

2013/14 Revenue Budget Variations over £50,000							Comments
Description	Budget	Variations			Total Variations		
		General	1% Pay Award	Included in Savings Schedule for 13/14			
	£	£	£	£	£		
Development, Business & Housing	Salaries		(104,030)	71,030		(33,000)	Budget held centrally by AD for incremental increases in salaries to top of scale. This pressure will be passed to SDU to deliver year on year.
Property & Design	Property rationalisation (Phase 2)		0		(108,100)	(108,100)	Savings associated with further property rationalisation, in addition to that already included within the budget strategy.
Development Planning	Planning & Building Reg Applications	(1,248,000)	(182,000)			(182,000)	Net of one off over achievement of Planning Application income as a result of BSF programme & other schemes.
Development Management	Salaries		(200,400)		(56,600)	(257,000)	Various one off savings including vacancy management within Business and Development Planning.
Variations Under £50k			44,000	0		44,000	
Total Development, Business & Employment			386,570	71,030	(164,700)	292,900	
Customer & People Services							
ICT	Supplies & Services	1,041,510	13,216		350,000	363,216	Over spend against software maintenance budget for various Council systems. Budget is £243k with costs projected totalling £607k. This is in line with 2012/13
ICT	Income	(2,672,460)	80,716			80,716	Shortfall against service specific income budget of £539k. This is in line with previous years however work is ongoing to win new business from Shropshire Schools and small businesses.
Revenues & Benefits	Supplies & Services	550,480	65,518		50,000	115,518	Additional costs projected on printing and postage as a result of the Governments Welfare Reforms and increase in postage particularly in Revenues to aid collection challenges eg summonses up by 45% this is in line with 2012/13.
Revenues & Benefits	Transfer Payments	400,720			(233,000)	(233,000)	Underspend projected within budgets within Revenues and Benefits through more targeted use of Government funding which has been used to help cover planned revenue expenditure.
People Services	Employees	1,355,020	(100,329)			(100,329)	Under spend from vacant posts that are being held vacant due to restructure of the service.
Catering	Employees	1,856,880			(32,230)	(32,230)	Early delivery of restructure savings included in budget strategy for 2014/15.
FM & Cleaning	Income	(3,455,216)	63,801		200,000	263,801	The impact of loss of school and commercial trading income on cleaning, facility management services and catering services. Work ongoing to win new business, particularly from private nurseries within the borough.
PFI Insurance					(93,000)	(93,000)	Saving from insurance on the PFI contract.
Variations Under £50k		5,741,140	(371,311)	147,547	(39,450)	(263,214)	Saving from Burials Service re grounds maintenance costs.
Total Customer & People Services			(248,389)	147,547	202,320	101,478	
Finance, Audit & Information Governance							
Treasury			(1,086,000)		(14,000)	(1,100,000)	Benefit from low interest rates and slippage in 12/13
Variations Under £50k		679,770	(171,558)	36,090	(62,000)	(197,468)	Under spends mainly arising from staffing due to vacant posts and back fill arrangements. £15k saving from Life Assurance Policy due to reducing numbers of staff on old Wrekin terms.
Total Finance, Audit & Information Governance			(1,257,558)	36,090	(76,000)	(1,297,468)	

2013/14 Revenue Budget Variations over £50,000							Comments
Description	Budget	Variations			Total Variations		
		General	1% Pay Award	Included in Savings Schedule for 13/14			
	£	£	£	£	£		
Law, Democracy & Public Protection							
Licensing	Income	(381,600)	166,700			166,700	Shortfall against licensing income mainly arising from taxi drivers
Land Charges	Income	(54,570)	(120,326)			(120,326)	Additional income generated from Land Charges. A review is currently
Legal	Employees	1,000,410	64,195			64,195	Costs of locum solicitors taken on to address capacity issues within the service.
Variations Under £50k		1,592,330	(65,405)	33,560	(52,726)	(84,571)	
Total Law, Democracy & Public Protection			45,164	33,560	(52,726)	25,998	
Co-Operative Delivery Unit							
Corporate Marketing - Sponsorships	Income	(57,010)	57,010			57,010	Provider of roundabout sponsorship scheme went into administration. Only £20k of income is anticipated for the year which will cover income due from the company in administration in respect of 2012/13.
Corporate Communications	Employees	419,580	(36,179)		(25,000)	(61,179)	Under spends from reduction in hours, vacant posts and officers on
Delivery & Planning	Employees	584,094	(62,396)		(6,000)	(68,396)	Under spends from reduction in hours and vacant posts.
Variations Under £50k		470,836	(3,378)	20,450	(17,910)	(838)	
Total Co-Operative Delivery Unit			(44,943)	20,450	(48,910)	(73,403)	
Council Wide							
Housing Benefit Subsidy		(13,980)	(294,559)			(294,559)	Variation from budget as a result of recovery of overpayments. It should be noted that there is no spend to date on B & B accommodation as the temporary leased accommodation has been used and has not been at full capacity as yet.
Central Government Grant Refund			(731,000)			(731,000)	The Revenue Support Grant settlement included a reduction in funding relating to central support costs of academies; the information and formula used to calculate this has been changed which results previously disadvantaged local authorities receiving a refund. £351k was returned to the Council in 2012/13; £731k is expected in 2013/14.
Purchase Rebates		(202,500)	(148,240)			(148,240)	Surplus dividend from West Mercia Energy
Employee Car Parking			104,000			104,000	The Council has made significant in-year budget savings whilst work is ongoing on the equal pay project (which will include a review of terms and conditions) this will not be completed within this financial year. At the same time we have continued to work both with the Town Centre and also the owners of another central car park in order to find a car parking solution which minimises individual costs. These negotiations are still in progress and are unlikely to be finally resolved before the end of the year. Implementation of employee car parking charges will not therefore occur during this financial year.
One Off Resources and Additional Funds			(2,368,000)		(500,000)	(2,868,000)	Mainly one off resources and some uncommitted ongoing budgets identified to contribute to the Care & Support overspend
Total Council Wide			(3,437,799)	0	(500,000)	(3,937,799)	
Total Variations			16,168	667,170	(1,357,872)	(674,534)	

Capital Approvals**Virements**

Scheme	13/14 £	Comment
Improve Local People's Prospects through Education and Skills Training		
All Other School schemes	5,000	SCE (C) Capital Maintenance Grant - Madeley Court Academy Demolition Costs
Ensure That Neighbourhoods are Safe, Clean and Well Maintained		
Legomery Local Centre BT1	-5,000	SCE (C) Capital Maintenance Grant
Total	0	

Slippage

Scheme	13/14 £	14/15 £	15/16 £	Later Yrs £	Comment
Ensure That Neighbourhoods are Safe, Clean and Well Maintained					
Box Road	-2,672,000	2,672,000			Prudential
Box Road	-474,441	474,441			External
Local Sustainable Transport Fund(LSTF)	-347,000	347,000			Gov Grant
Integrated Transport	-205,000	205,000			Gov Grant
Integrated Transport	-130,000	130,000			Borrow App
Integrated Transport	-28,000	28,000			Prudential
Regenerate Those Neighbourhoods in Need and Work Hard to Ensure That Local People Have Access to Housing					
Youth	-75,000	75,000			Capital Receipts
Brookside	-500,000	500,000			Prudential
Hadley Local Centre Phase 1 & 2	-297,000	297,000			Prudential
Improve Local People's Prospects through Education and Skills Training					
Building Schools for the Future	-483,399	483,399			Borrowing Approval to 2014/15
Building Schools for the Future	-7,125	7,125			Capital receipts to 2014/15
Building Schools for the Future	-1,395,679	1,395,679			Prudential to 2014/15
Building Schools for the Future	-20,097,210	20,097,210			Grant to 2014/15
Managing the Organisation					
Managing the funding of the Capital Programme - rephasing of capital receipts	-9,430,000	9,191,150	238,850		Capital Receipts
Managing the funding of the Capital Programme - rephasing of capital receipts	9,430,000	-9,191,150	-238,850		Prudential
Protect and Support Our Vulnerable Children & Adults					
ICT Social Care Review	-200,000	200,000			Prudential
Total	-26,911,854	26,911,854	0	0	

New Allocations				
Scheme	13/14	14/15	15/16	
	£	£	£	
Regenerate Those Neighbourhoods in Need and Work Hard to Ensure That Local People Have Access to Housing				
Housing	110,000			Capital Receipts Recommended for approval at Full Council 21/11/13 as per Cabinet 19/09/13, Temporary accommodation
Protect and Support Our Vulnerable Children & Adults				
Social Care Capital Grant	232,371			Grant Additional In Year Allocation
Ensure That Neighbourhoods are Safe, Clean and Well Maintained				
Box Road	1,121,000			DFT Grant Malinslee Roundabout-Local Pinchpoint fund
Jiggers Bank Stabilization	8,000			Prudential - additional allocation based on revised forecast for Jiggers Bank Stabilisation
Jiggers Bank Stabilization	32,000			HCA Grant - additional allocation based on revised forecast for Jiggers Bank Stabilisation
Highways Maintenance	82,000			External S106 - Traffic calming work funded from developer contributions
Improve Local People's Prospects through Education and Skills Training				
All Other School schemes	21,183			External
Total	1,606,554	0	0	0

TELFORD & WREKIN COUNCIL

**CABINET – 12 DECEMBER 2013
COUNCIL – 23 JANUARY 2014**

COMMUNITY SAFETY PARTNERSHIP PLAN 2013 - 2016

**REPORT OF ASSISTANT DIRECTOR FOR FAMILY AND COHESION
SERVICES**

LEAD CABINET MEMBER – CLLR HILDA RHODES

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The Community Safety Partnership (CSP) under its statutory responsibilities is required to develop a Partnership Plan which outlines the actions to be taken by partners on collectively working together to reduce crime and disorder and anti-social behaviour (ASB) across Telford & Wrekin.

This report details the legal responsibilities of the Community Safety Partnership and the delivery of the Partnership Plan. The draft Telford & Wrekin Community Safety Plan for 2013-2016 is attached to the report.

2. RECOMMENDATIONS

To RECOMMEND to Full Council that the Community Safety Partnership Plan 2013 / 2016 be approved.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-operative Council priorities?	
	Yes	<ul style="list-style-type: none"> • <i>Put our children and young people first</i> • <i>Protect and support our vulnerable children and adults</i> • <i>Ensure that neighbourhoods are safe, clean and well maintained.</i> • <i>Improve the health and wellbeing of our communities and address health inequalities</i>
	Will the proposals impact on specific groups of people?	
	Yes	<i>To Keep all residents safe</i>
TARGET COMPLETION / DELIVERY DATE	<i>With immediate effect following Cabinet and will be refreshed annually.</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<i>The overall budget for Community Safety within T&W 13/14 is £0.531m, which includes an expectation of Police & Crime Commissioner (PCC) funding of £0.204m. A bid for funding is currently submitted annually to the PCC, based on agreed priorities from the Community Safety Partnership. This funding is used to fund projects such as the Drug Intervention Project, IDVA service, White Ribbon campaign, Taxi Marshalling, Neighbourhood Delivery groups, Crucial crew, Street Pastors, Telford Aftercare Team & a Crime Prevention Fund. GS 21/10/13</i>
LEGAL ISSUES	Yes	The legal requirements are set out in the body of the report. In accordance with the legislative requirements and the Council's Constitution, the Plan must be approved by Full Council.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<i>In not having a CSP Plan could mean we are not meeting our statutory requirements which could impact on allocation of funding from the Police & Crime Commissioner thus impacting on the delivery of our four priorities.</i>
IMPACT ON SPECIFIC WARDS	Yes	<i>Borough Wide</i>

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1** Telford and Wrekin Community Safety Partnership was in place prior to the legal requirement from the Crime and Disorder Act 1998 to establish a Community Safety Partnership (CSP)
- 4.2** Section 17 of this Act places a duty on the responsible authorities, Police, Fire and Rescue, Probation, Health and Local Authority to work together to prevent crime and disorder.

The following are specific requirements imposed upon the CSP:-

- To set up a strategic group to direct the work of the partnership. The current chair of the CSP board is Superintendent Nav Malik.
 - Regularly engage and consult with the community about their concerns and taking the appropriate actions.
 - Set up protocols and systems for sharing information
 - Analyse a wide range of data, including recorded crime levels and patterns, in order to identify priorities in an annual strategic assessment
 - Set out a partnership plan and monitor progress
 - Produce a strategy to reduce reoffending
 - Commission domestic violence homicide reviews
- 4.3** As identified above, having a partnership plan and being able to monitor the progress of this has been identified as one of the requirements of the CSP.
- 4.4** The CSP delivery framework is established under statute through the Crime & Disorder Act 1998, amended by the Police & Justice Act 2006. The Partnership also has to have due regard for the Police and Crime Commissioners role as set out in the Police Reform and Social Responsibility Act 2011.
- 4.5** The priorities have also been referenced against the Police and Crime Commissioners (PCC) priorities to ensure that our local approach links into the West Mercia Police and Crime plan.
- 4.6** The CSP has the responsibility to ensure that all of the statutory partners are working together to implement measures to reduce crime and anti social behaviour (ASB) to include substance misuse and re-offending. CSPs are also required to take appropriate action to prevent violent extremism and influence social and economic change as a way of preventing, tackling and reducing crime and disorder.

4.7 The Partnership Plan identifies the CSPs four overarching priorities which are;

- 1. Overall crime is reduced in the Borough**
- 2. Anti-Social behaviour is reduced – to include environmental crime**
- 3. Greater community cohesion in the Borough**
- 4. To reduce the fear of crime –keeping residents safer in Telford & Wrekin**

Each priority is supported by an operational action plan to ensure that we have a framework in place to support and deliver on each priority.

4.8 The Partnership Plan is flexible and adaptable to change to meet and reflect local need and will be reviewed annually.

4.9 The overall responsibility for the Partnership Plan sits with the Community Safety Partnership Board; the Community Safety Team oversees the delivery of the priorities and the action plans, working with partners and the operational delivery groups across the Partnership.

4.10 The CSP Board receives regular updates regarding the Partnership Plan and Performance is monitored via the board and where necessary the Board will hold lead officers to account.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

5.1 From April 2012 all CSP funding transferred over to the PCC. CSP's are now required to bid into the PCC for funding to deliver local projects and initiatives that contribute towards the action plans within the CSP Plan. By not having this funding would mean that we would not be able to deliver these projects or the priorities that have been set by the CSP Board.

5.2 The CSP Plan provides the framework to not only identify the areas of focus for the Partnership under the four priorities but to also identify the direction of travel in the Partnership's performance and delivery. The CSP Plan therefore provides the mechanism to hold partners to account on the commitment to collectively working together to reduce crime and disorder. By not having the CSP Plan would leave the Partnership open to challenge and we as a partnership would not be able to demonstrate how we make a difference to residents and communities of Telford & Wrekin.

6. PREVIOUS MINUTES

Police and Crime commissioners and police Crime report.
Cabinet – 26.04.12

7. BACKGROUND PAPERS

None

**Report prepared by Paul Fenn, Team Leader; Community Safety,
Telephone: 01952 382107**



**Telford and Wrekin
Community Safety Plan
2013 – 2016**

Year One

Foreword

Telford and Wrekin Community Safety Partnership has been in situ prior to the legal requirement from the Crime and Disorder Act 1998 to establish a Community Safety Partnership (CSP).

Section 17 of this Act places a legal duty on the responsible authorities to work together to tackle and reduce crime and disorder, including anti-social behaviour (ASB), domestic abuse, substance misuse, reducing re-offending and reducing the fear of crime.

The success of the CSP has been demonstrated by the strong partnership working in Telford and Wrekin and the commitment from partners to make a difference. The CSP has seen a number of achievements over the years and the current picture for Telford and Wrekin sees a:

- crime rate that is relatively lower than the national figures, a 61.5 per 1000 population compared to a national 67.6
- lower rates of violence against the person 12.1 compared to national 13.2
- lower rates of robbery locally 0.6 compared to 1.3 nationally
- lower rates of offences against vehicles locally 5.9 compared to 7.2 nationally
- 70% reduction (09/11) in the number of children entering the Youth Justice System for the first time.
- Continued reductions in the rate of re-offending, 29% of the Borough compared to a 33% national rate and low and declining use of custodial sentences.
- The focus on the recovery journey continues successfully with many clients staying abstinent, having stable accommodation and gaining employment.

Whilst we have delivered successes in the above areas we recognise that there are still challenges that together we will tackle. These include building on the good foundations we have for tackling:

- burglary, we will continue to support our Police colleagues on prevention, supporting the victims of burglary and dealing with offenders
- anti-social behaviour is always a key priority for the CSP and we have a number of effective resources in place from the Joint ASB Unit, ASB Reporting Line, CSO Target Team and Neighbourhood Delivery Groups.

However, we will continue to develop our approach to ensure that we are utilising the right mix of effective tools and powers and local resolutions. We will continue to encourage reporting amongst our communities and this is reflective in the ASB figures and demonstrates communities are showing confidence in reporting.

- Strengthening our Integrated Offender Management agenda
- Addressing the fear of crime
- Community Engagement

Our early intervention, targeting and strengthening families approach will continue to receive support from the Community Safety Partnership, this approach supports our focus on working with families and individuals that require intensive support, this work undoubtedly supports our approach on reducing offending, re-offending and breaking the cycle.

Working with Police and Mencap we supporting a national scheme called **Safe Places which** aims to help vulnerable disabled people who become anxious, concerned or victimised whilst in a public place. We will support the process of providing a refuge in an identified local shop or business where a phone call can be made to a trusted friend or family member, who can collect them or advise them on what they need to do.

Another partnership initiative is to develop 3rd party reporting lines which allows victims of hate crime incidents to record such incidents at one of Telford and Wrekin buildings away from the police station.

Throughout all of our work the Governments 'Making Every Contact Count' is pivotal, the range of services that engage with communities across that partnership provides an ideal opportunity to engage, support and signpost members of the community to appropriate services, whether that is getting a smoke alarm fitted, getting support for domestic abuse, advising about local children and family centre's, activities in the area for children and young people, how to get in contact with the Local Policing Team.

We look forward to continuing to work together to make Telford and Wrekin a safe place.

Nav Malik

Superintendent

Board Members

The following list details both the Responsible Authorities and our wider membership of the Community Safety Partnership (CSP).

The most recent changes have also been reflected with Clinical Commissioning Groups from April 2013 being required to be a member of the CSP, which sees the continuation of partners working together for the benefit of preventing crime and disorder and addressing the causes of crime in Telford and Wrekin.

- Telford and Wrekin Council
- West Mercia Police
- West Mercia Probation
- Shropshire Fire and Rescue Service
- Clinical Commissioning Groups
- Wrekin Housing Trust
- Rights and Fairness Telford
- TTC2000
- Crown Prosecution Service
- Council Voluntary Services
- Victim Support

Partnership Priorities, Performance and Delivery

The Community Safety Partnership Board has identified the following four priorities for the Partnership:

- 1. Overall crime is reduced in the Borough**
- 2. Anti-social behaviour is reduced – to include environmental crime**
- 3. Greater Community Cohesion in the Borough**

4. To reduce the fear of crime –keeping residents safer in Telford & Wrekin

The priorities will be reviewed on an annual basis to ensure that the Partnership is focussed on the addressing the community safety issues for communities in Telford and Wrekin.

These priorities are supported by a performance framework (appendix a) and delivery plan (appendix b), the operational strand of the framework.

The Community Safety Partnership structure provides a mix of strategic direction and operational delivery. Within the structure we are also introducing the Anti-Social Behavior Risk Assessment Conference (ASBRAC), which ensures those victims of ASB that have been identified as being at a higher risk level receive targeted support from a range of agencies and interventions are in place at an early stage. The interventions ensure that the support is not only there for victims but the appropriate action is taken against perpetrators. This type of action will directly link with police led ASB Risk Management plans.

The Board has overall responsibility to ensure the delivery of the priorities; they receive regular updates on the performance of the Partnership.

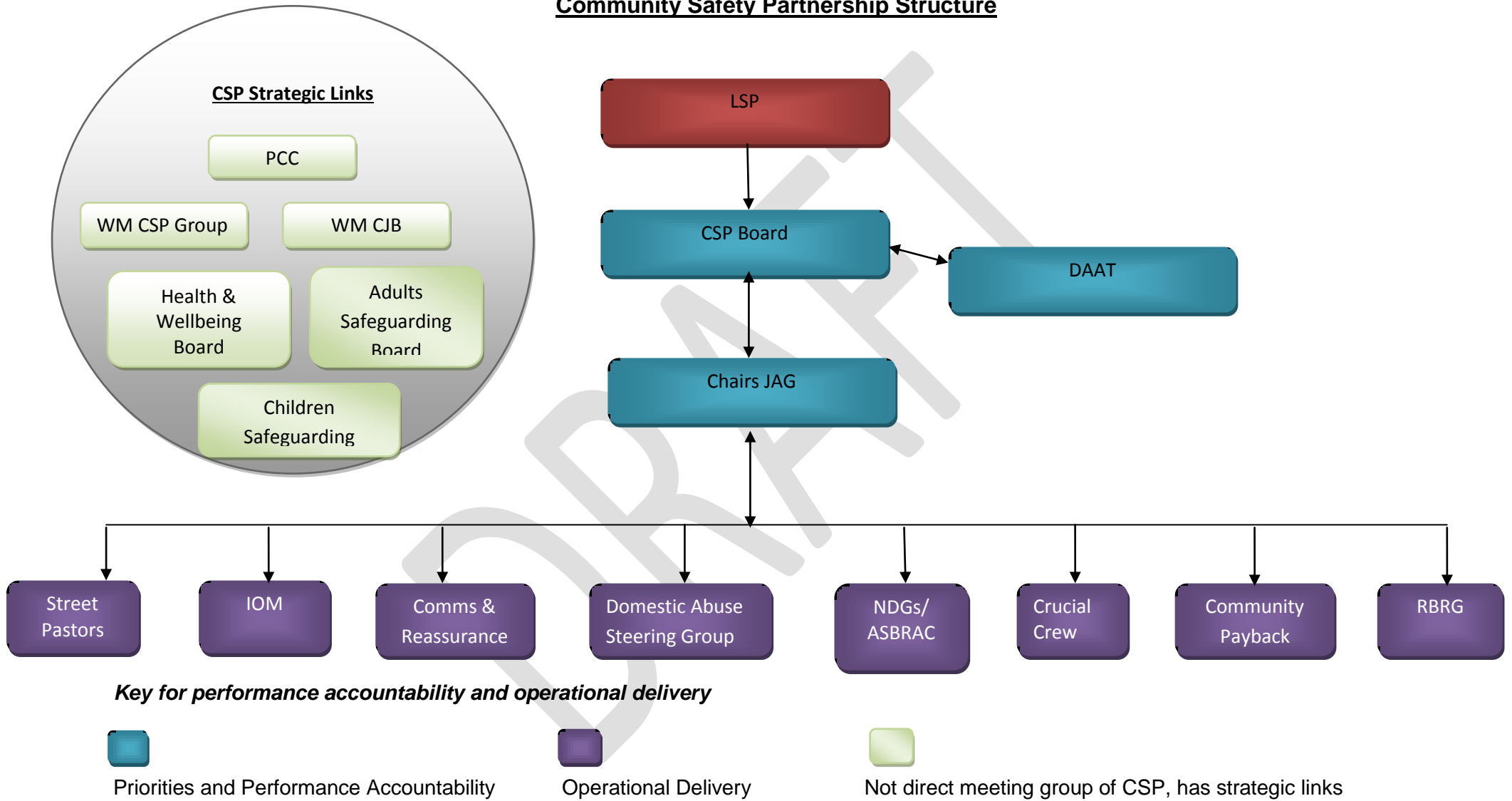
The priorities have also been referenced against the Police and Crime Commissioners (PCC) priorities to ensure that our local approach is feeding into the wider West Mercia plan.

CSPs funding arrangements from April 2013 will be changing. All previous Home Office CSP funding will be transferred to the PCCs. This sees a marked change in funding arrangements for delivering community safety initiatives. CSPs will submit bids for funding to the PCC to deliver the local priorities.

The Partnership Plan has also been referenced against the Joint Strategic Needs Assessment, State of the Borough Report, Health and Wellbeing Strategy, Telford and Wrekin Council Medium Term Plan to ensure that we have an effective and efficient delivery of the shared priorities that are cross cutting against many partnership agendas.

The Partnership Plan also supports both Domestic Abuse and DAAT Strategies and action plans. These are being developed to provide a specific focus on the cross cutting issues around domestic abuse and substance misuse for partner agencies.

Community Safety Partnership Structure



Priorities

The following information provides an overview of the aims and delivery that are aligned to the priorities. Some the areas of work are cross cutting and deliver against more than one priority/aim.

Priority one: Overall crime is reduced in the Borough

The aims for this priority are:

- Reduce offending and reoffending
- Reduce domestic abuse and repeat incidents of domestic abuse
- Reduce the number of violent assaults, particularly serious violent crime and assault with injury
- Reduce serious acquisitive crime (burglary, robbery and vehicle crime)
- Reduce deliberate vehicle fires and deliberate secondary fires
- Reduce sexual exploitation of women and girls
- Reduce business crime
- Reduce the harm associated with drugs and alcohol misuse by adults and young people
- Increase reporting of Hate Crime
- Reduce overall crime

How we will deliver this priority

As with all of the priorities, the CSP utilises the range of power and tools across partners to deliver and positively impact reducing crime and disorder. The **CCTV** provision that is managed by the Councils Community Safety Team continues to support the prevention and detection of crime and reassure local communities.

The various domestic abuse programmes continue to **support victims and their families** and we will continue to build strong relationships with the voluntary sector to provide additional support in **protecting vulnerable people**.

The new Integrated Offender Management (IOM) model focuses an approach on reducing re-offending by **working together to reduce reoffending**, managing offenders and ensuring mechanisms are in place to **challenge and change offending behavior**.

Early intervention and prevention remains a key focus, delivering **personal safety and crime prevention advice**, providing victims of burglary and surrounding communities with increased security measures and visible promotional material that agencies are working together..

Continue to work as partners in reducing and tackling sexual exploitation of women and girls, this involves the **work around Child sexual Exploitation (CSE) to include, early intervention, engagement and support.**

Work to **empower local business communities** in addressing business crime by taking appropriate security measures, and working together to create a support **network support amongst local businesses.**

Drug and alcohol misuse has an impact on a wide range of services not to mention the person and their family. By working with those who have dependencies will provide **opportunities to access support services, training, employment and community based programmes to assist their journey to recovery.** To build on the success of the partnership approach in supporting and tackling night time economy issues, supported by Street Pastors and Taxi Marshalls with the aim of reducing the risk of harm to all and reducing serious violent crime which is often linked with the misuse of alcohol.

Introduction of **3rd party reporting** Line, enabling those who are suffering to report incidents via of hate incidents and a **safe place network**, to support those most vulnerable.

Continue the approach around **early intervention, prevention** and targeted work by supporting young people and families in **breaking the cycle.**

Priority two: Anti-social behaviour is reduced – to include environmental crime

The aims for this priority are:

- Reduction in reported ASB Categories and supporting victims

How we will deliver this priority

The ASB priority focuses on our approach in **reducing ASB, supporting victims** and ensuring **perpetrators are dealt** with effectively.

We are committed to the continuation of the **ASB Reporting Line** to encourage reporting and ensure that ASB incidents are dealt with by the right agency both **timely and effectively**. The **Joint ASB Unit** links in with a number of processes including but not limited to the ASB Reporting Line and the co-located ASB Unit. The **Neighbourhood Delivery Groups** (NDGs) provide the essential locality based tasking response in addressing ASB in local communities; various partners bring invaluable knowledge of communities and the issues that are most effecting them, allowing the NDG to develop a multi-agency response. The introduction of **Anti-Social Behaviour Risk Assessment Conference** (ASBRAC) will ensure that we have the mechanism to deal with the more complex and higher level ASB cases to provide the wrap around service that many ASB cases require. The ASBRAC will compliment police led ASB Risk Management plans.

Early intervention, Engagement and Enforcement, a strand through all priorities ensuring that early signs of offending behavior are dealt with effectively and efficiently. The Co-located ASB Unit working across the partnership to ensure that we work with young people and their families and where necessary enforce through a series of ASB interventions. Promote the range of **positive activities** that are available to young people as a **diversionary measure** away from ASB, work with our Youth & Community Colleagues, Targeted Youth Support and Family Intervention Teams to work with those young people that have been identified as being involved in ASB / risk taking behavior.

Communication campaigns links in with the above but also needs to be raised with the wider community, **empowering communities, encouraging community engagement and social responsibility**.

Community Payback Scheme, a yearly project with Probation to use offenders to carry out environmental tasks in local communities, tasks to include sweeping, litter

picking, removal of rubbish fence painting.

Priority three: Greater Community Cohesion in the Borough

The aims for this priority are:

- Increase engagement and consultation with local communities to address issues of concern
- Increase in diversionary and positive activities
- Increase the number of volunteers delivering civic pride initiatives

How we will deliver this priority

We will ***work with local communities*** to ensure we begin to understand what their needs are, ***working in partnership*** to ***empower*** them to instigate positive change in uniting them addressing and preventing crime and disorder.

Utilise the range of ***diversionary and positive activities*** that are in place and look to support the increase in capacity where we have identified need. We will continue to offer alternatives to potential offending behaviour and positive activities are an essential part of ***Early intervention***

Work with communities to ***celebrate diversity*** within Telford and Wrekin and help ***challenge prejudices***. Through ***cohesion*** we want to build a strong sense of ***civic pride*** across the Borough.

Priority four: To reduce the fear of crime – keeping residents safer in Telford & Wrekin

The aims for this priority are:

- Reduce the fear of crime
- Increase road safety

How we will deliver this priority

Public perception of crime is often fuelled by the media; we will ensure that we are making full use of ***promoting the success stories which involves*** good practice and partnership working and address negative public perception. Partners have a range of ***communication methods*** available to them and as a Partnership we will make full use of collectively promoting positive messages.

We will ensure that we have a ***visible presence*** as agencies and collectively as a Partnership within communities and will work to ensure that communities know we are ***working together to make a difference***.

The ***Safer Roads*** Partnership receives full support from the CSP and will continue to do so. We will continue to deliver ***personal safety awareness*** campaigns with young people including events like ***Crucial Crew*** and will work to develop this further to offer engagement with young people about their safety.

The police Operation Safer Outside School will continue further supported by ***Police community support Officers in schools will who*** support and enhance the school system. The ***Bike Ability*** maintaining safety and health promotion.

CCTV offers not only the support in the prevention and detection of crime but provides reassurance to the general public. The CCTV network across Telford and Wrekin continues to be managed by Telford & Wrekin Council's Community Safety Team.

Crime prevention advice and support is provided to victims of burglaries and shed break ins and to residents surrounding those identified as vulnerable as most at risk. As a partnership we will continue to support the ***night time economy***, supported by street pastors, licensing, taxi marshalling and youth workers providing that all important the visible presence ***in keeping residents safe and reducing potential***

<i>risk</i>

Delivering the Priorities

Each priority is supported by a delivery plan that sits with one of the CSP groups e.g. Neighbourhood Delivery Groups, Reducing Business Risk Group, Domestic Abuse Steering Group. The Delivery Plans also identifies which priorities and aims the meeting groups can support on. The Delivery Plan becomes a standing agenda item at each groups who will ensure that they deliver on the key actions supported by the Community Safety Team. The Delivery Plans ensure that we turn priorities into actions.

Chairs of the meetings groups will be asked to present regular updates against these Delivery Plans to the Board, and the performance framework will demonstrate the success measures.

We recognise that due to the nature of community safety, these Delivery Plans need to be fluid and adaptable to change; they will be monitored regularly by the Community Safety Team and any changes of direction to be noted to the Community Safety Board.

Delivery Plan - Neighbourhood Delivery Group

This is an overall Delivery Plan for Neighbourhood Delivery Group, individual action plans will be developed by the group. This demonstrates the CSP Priorities that Neighbourhood Delivery Group are required to deliver on and what actions/work programmes will support this. Chairs of the groups will meet on a quarterly basis to review progress.

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
Overall Crime is reduced	A4 Reduce serious acquisitive crime (burglary, robbery and vehicle crime).	<ul style="list-style-type: none"> • Crime prevention – provide crime prevention support to communities, victims, witnesses and the vulnerable • Raise awareness of actions that can be taken to deter burglary, vehicle crime. 		
	A5 Reduce deliberate vehicle fires and deliberate secondary fires	<ul style="list-style-type: none"> • Support Fire Service on awareness campaigns • Tackle environmental factors which give rise to arson incidents. • NDG to initiate any further actions required. • Educational awareness with young people – Crucial Crew 		
	A10 Increase reporting of Hate Crime	<ul style="list-style-type: none"> • Tension monitoring process • Safe Place 		

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
ASB is reduced – includes environmental crime	A12 Reduction in reported ASB categories	<ul style="list-style-type: none"> • Develop targeted action plans based on most problematic areas with a partnership response. • Utilise all partner information in addressing ASB • Where appropriate maximise the use of powers and tools available to tackle ASB • Utilise the deployment of mobile CCTV. • Use Restorative Justice Programme for community resolution • CSO Targeted Patrol, providing additional high visibility patrols within local communities. 		
	A13 Environmental, Nuisance and Personal ASB is reduced	<ul style="list-style-type: none"> • Develop and support action plan in reducing the volume of fly tips across the Borough. • Identify and target persistent offenders • Build community involvement in preventing ASB. • Maximise the use of the Community Payback Scheme. 		

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
Cohesion is increased in the Borough	A14 Increase engagement and consultation with communities to address issues of concern	<ul style="list-style-type: none"> Ensure mechanisms are in place to identify and respond to community issues Support the PACT process 		
	A15 Increase in diversionary and positive activities	<ul style="list-style-type: none"> Continue to utilise Street Sports in targeted areas Refer young people for support from Youth and Community, Targeted Youth Support 		
	A16 Increase the number of volunteers delivering civic pride initiatives	<ul style="list-style-type: none"> Support delivery of the Street Champions programme Street Pastors support particularly in Central and Wellington NDG 		
The safety of residents is increased (includes reducing the fear of crime)	A17 Reduce fear of crime	<ul style="list-style-type: none"> Promote the use of the Partnership website – safertelford.org.uk Use Safer Telford to promote positive outcomes and projects. 		

Delivery Plan Business Against Crime

This is an overall Delivery Plan for Business Against Crime Group, action plans may be developed by the group. This demonstrates the CSP Priorities that the Business Against Crime Group are required to deliver on and what actions/work programmes will

Priority	Aim	Action/Work programme	Measures/Outcomes	Comments/Progress
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support this. Chairs of the Groups will meet on a quarterly basis to review progress.

Overall Crime is reduced in the Borough	A7 Reduce business crime	<ul style="list-style-type: none">• Communication network for local businesses• Sharing of intelligence that may impact on the business community• Provide crime prevention advice• Encourage reporting of crime• Reduce the fear of crime – encourage investment and retention of businesses• Network opportunities• Addressing, preventing and tackling business crime through a partnership approach• Receive real time alerts through Dotmailer		
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Delivery Plan Domestic Abuse

The Domestic Abuse Action Plan sits within the Domestic Abuse Strategy and monitored by the Domestic Abuse Steering Group. Chairs of the Groups will meet on a quarterly basis to review progress.

Aim	Key Actions	By Whom	How and when measured
Relevant partners working together to formulate funding bids and increase opportunities for further funding.	Telford and Wrekin to identify further funding opportunities to ensure sustainability.	Community Safety in partnership with West Mercia Police.	Annually, success criteria sufficient funding obtained through outside funding streams to enable sustainability.
To sustain the Domestic Abuse Officer Post.	Evaluation of provision, monitor role, engage the PCC in process.	Community Safety in partnership with West Mercia Police.	Quarterly reporting at the Domestic Abuse Steering Group, success criteria post sustained.
Working in partnership with the Police for implementing the Go ahead Order	Raising awareness about this Order in the borough of Telford and Wrekin.	Community Safety	Consultation required with the Police.
To increase provision of Sanctuary.	Complete a bidding form for the PCC	Community Safety.	April 1 st 2013. Success criteria is increase in budget and the number of victims being enabled

Aim	Key Actions	By Whom	How and when measured
			to live in their own homes.
Review current housing provision for victims of Domestic abuse and to alternate provision to ensure safety of the victims.	To ensure that this area is reviewed within the Housing Strategy	Cohesion Services	Housing Strategy being approved by both the Board and Cabinet members. Appropriate safe housing provision established for victims of domestic abuse.
Appropriate provision for perpetrators of domestic abuse	To ensure that this area is reviewed within the Housing Strategy	Cohesion Services	Housing Strategy agreed by both the Board and Cabinet members. Appropriate housing established for homeless perpetrators.
Identifying gaps in service provision	Analyse data provided by Family Connect	Community Safety	Quarterly in the Domestic Abuse Steering Group. Success criteria is improved service provision.
Training for professionals	Develop relevant train the trainer/facilitator programmes.	Community Safety	Draft programme for Domestic Abuse Steering Group meeting April 2013. Programme implemented and embedded by April 2014. The number of participants completing the training and positive feedback.
Raising awareness of Domestic Abuse	Continue to build upon existing	Domestic Abuse Co-ordinator	Telford becoming a White Ribbon

Aim	Key Actions	By Whom	How and when measured
	work undertaken within the White Ribbon Campaign		Town 2014.
Establishing an alternative to the "Freedom Programme"	Review the current Freedom Programme and develop a new alternative programme.	Domestic Abuse Co-ordinator.	April 2013. Agreed by Steering group.
Rolling out CRUSH facilitation across Telford and Wrekin	Monitor the groups being undertaken and ensuring that trained facilitators are delivering the programme.		April 2013. Attendance at the groups and positive feedback received.

Delivery Plan IOM

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
Overall Crime is reduced in the Borough	Reduce offending and reoffending	<p>Probation Lead on this work programme and report to the CSP Board by exception.</p> <p>The strands from the Reducing Reoffending Strategy are:</p> <ul style="list-style-type: none"> • Accommodation • Education, training, employment • Mental and Physical Health • Drugs & Alcohol • Attitudes, Thinking and Behaviour • Finance, Debt and Benefits • Children, Families and Support Networks 		

Delivery Plan -Communications and Reassurance Group

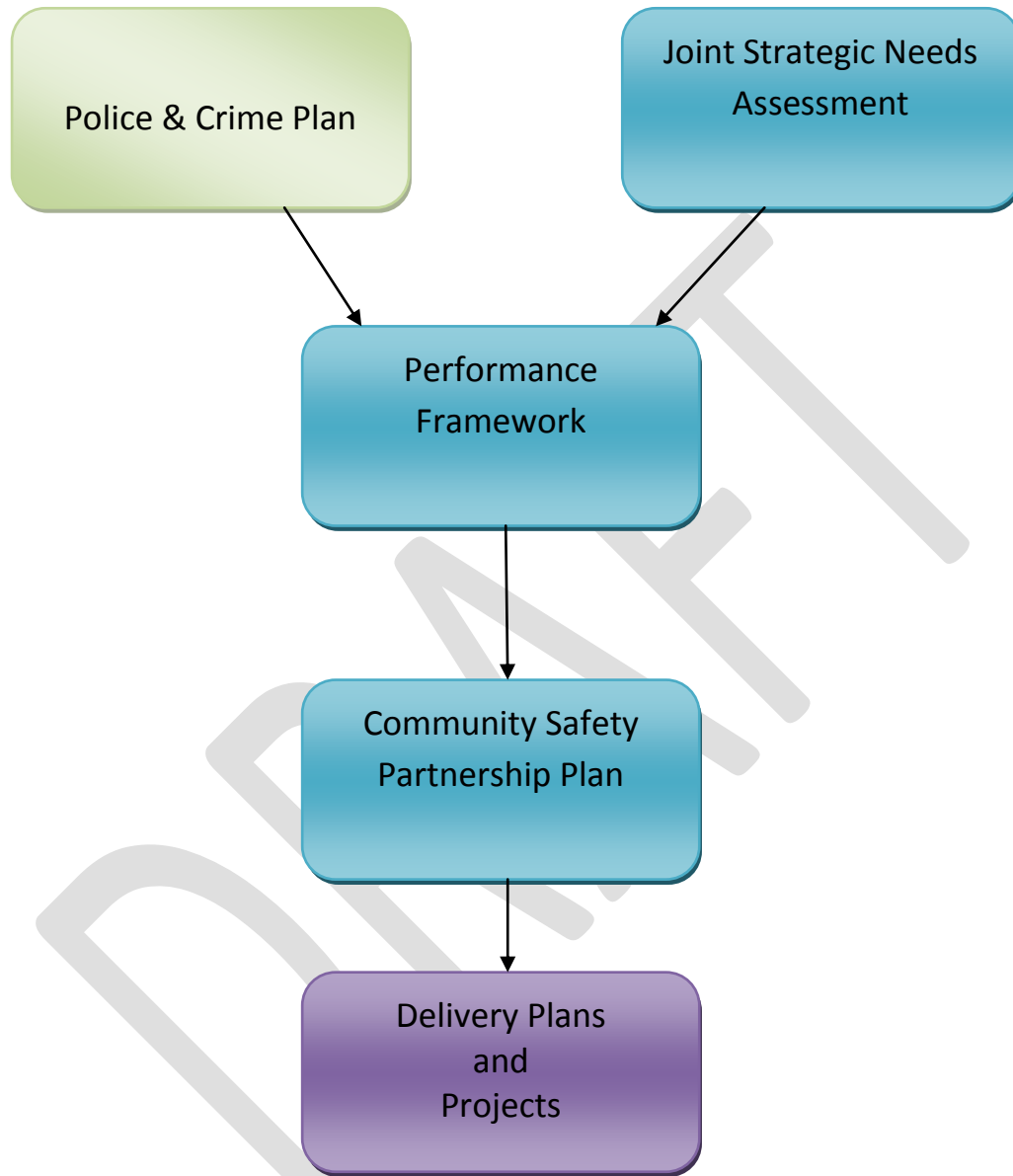
This is an overall Delivery Plan for Communications and Reassurance, individual action plans will be developed by the group. This demonstrates the CSP Priorities that Communications and Reassurance are required to deliver on and what actions/work programmes will support this. Chairs of the groups will meet on a quarterly basis to review progress.

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
Overall crime is reduced in the Borough	A2 Reduce domestic abuse and repeat incidents of domestic violence	<ul style="list-style-type: none"> • Support the promotion of domestic abuse support services and campaigns <ul style="list-style-type: none"> • White Ribbon • CRUSH • The Journey 		
	A4 Reduce serious acquisitive crime (burglary, robbery and vehicle crime)	<ul style="list-style-type: none"> • Promote crime prevention messages. 		

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
ASB is reduced – includes environmental crime	A12 Reduce deliberate vehicles fires and deliberate secondary fires	<ul style="list-style-type: none"> • Annual Celebrate safely campaign • Promote personal safety 		
	A13 Environmental, Nuisance and Personal ASB is reduced	<ul style="list-style-type: none"> • Inform and educate the community about the implications of ASB and environmental nuisance, including how to report through the ASB reporting line. 		
Cohesion is increased in the Borough	A14 Increase engagement and consultation with communities to address issues of concern	<ul style="list-style-type: none"> • Ensure mechanisms are in place to identify and respond to community issues • Support the PACT process/Police surgery engagement process 		

Priority	Aim	Action/Work Programme	Measure/outcomes	Comments/Progress
The safety of residents is increased (includes reducing the fear of crime)	A17 Reduce fear of crime	<ul style="list-style-type: none"> • Promote the use of the Partnership website – safertelford.org.uk • Promote regular information about successes, achievements and plans. • Utilise the range of communications methods available across the partnership. • Develop a communication campaign to address the fear of crime and promote seasonal information. • Build confidence and reassurance amongst communities by a rapid response to local issues. • Encourage reporting and the mechanisms that residents can report issues to. • Promote personal safety advice. 		

Community Safety Partnership Priorities and Delivery Flowchart



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DRAFT

TELFORD & WREKIN COUNCIL

**CABINET - 12th DECEMBER 2013
FULL COUNCIL - 23rd JANUARY 2014**

COUNCIL TAX SUPPORT SCHEME 2014/15

REPORT OF ASSISTANT DIRECTOR: CUSTOMERS & PEOPLE

LEAD CABINET MEMBER – CLLR BILL McCLEMENTS

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 On the 31st March 2013 the national Council Tax Benefit scheme was abolished and replaced with a new system of localised Council Tax Support which requires each billing authority to design and implement its own system for awarding council tax discounts to customers who are on low incomes.
- 1.2 Telford & Wrekin Council's Council Tax Support scheme for 2013/14 was approved by full Council on the 22nd November 2012 and commenced on the 1st April 2013.
- 1.3 We are still relatively early in the lifecycle of our localised Council Tax Support scheme and although we have undertaken a thorough analysis of our current position outlined in more detail in this report, it is far too early to draw any firm conclusions or make any accurate predictions from the findings at this stage.
- 1.4 We are recommending therefore that for 2014/15, we retain the same local scheme that was implemented for 2013/14, except for the technical and legislative amendments that are necessitated each year by Government. In doing so we will not be required to go out again to consult. This recommendation also has the full support of the cross party Joint Co-operative & Communities and Budget & Finance Scrutiny Committees with whom we have fully consulted and involved on all aspects of the Governments Welfare Reforms.
- 1.5 Retaining the same local scheme for 14/15 will allow us further time to gather a full year's worth of data to truly understand the impact of the scheme, both financially and socially, and allow us to make a better informed view of how the scheme may be developed further for 2015/16.
- 1.6 The Council Tax Hardship fund has been invaluable this year in assisting us to award help to the most financially vulnerable customers. We are therefore recommending that any unspent hardship fund should be rolled forward to be used in 2014/15.

2. RECOMMENDATIONS

- 2.1 That Council be recommended to approve the Council Tax Support scheme policy for 2014/15, which remains unchanged from the scheme approved by full Council on 22nd November, 2012 with the exception of the technical and legislative amendments that are necessitated each year by Government.
- 2.2 That Council be recommended to approve the carry forward of the remaining funds in the Council Tax Support Exceptional Hardship Policy to allow it to operate for a further year.
- 2.3 To note the findings from the cross party, joint Co-Operative & Communities and Budget & Finance Scrutiny Committees who support the retention of the existing Council Tax Support scheme for 2014/15.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	No	
	Will the proposals impact on specific groups of people?	
	Yes	These proposals will impact on all current and future working age recipients of Council Tax Support. More information about how we are meeting the general equality duty is available in the attached Community Impact Assessment provided at Appendix D.
TARGET COMPLETION/DELIVERY DATE	The Council Support Tax scheme must be approved by full Council no later than 31 st January 2014. The 2014-15 Council Tax Support scheme will commence on the 1 st April 2014.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	
FINANCIAL/VALUE FOR MONEY IMPACT		
In 2013/14 the Council implemented a Local Council Tax Support (CTS) Scheme, which replaced the previous nationally prescribed Council Tax Benefits scheme. CTS is awarded as a council tax discount (i.e. a reduction to the council tax bill similar to a single person discount). In parallel, the		

Government cut the amount of funding provided to operate local schemes which resulted in an estimated shortfall of around £3.1m to the Council. This gap was met through a combination of changes to council tax exemptions and discounts and by applying a 21% global reduction in Council Tax Support given to less-vulnerable claimants.

Funding for Council Tax Support is allocated to local authorities as part of the business rates retention scheme, and is therefore within the overall funding the Council receives from Central Government. As 2013/14 was the first year of the CTS Scheme, the grant amount was separately identified when the Council received its financial settlement figures, including an element for Parishes. This will not be the case in future which means that we will be unable to compare the costs of the CTS scheme with its funding beyond the current year. As the Government continue to cut local government funding, by implication, there is less funding for CTS, however this is masked within the overall funding position. It is actually contained within the Business Rates Retention Scheme and forms part of the overall funding for the authority.

The table below compares the estimated and current costs and funding of the CTS Scheme – it should be noted that the figures are calculated at a point in time and the position is fluid as individual circumstances change:

	Original Estimate £m	Current Oct 2013 £m	Change £m
Costs:			
Projected Council Tax Discounts Awarded	13.3	12.9	-0.4
Reduced Collection (99% to 98%)	0.5	0.5	0.0
Funding:			
Changes to Council Tax Discounts and Exemptions (such as A&C Exemptions)	(1.2)	(0.9)	+0.3
“Grant” Received	(12.6)	(12.6)	0.0
Net Cost (Benefit)	0.00	(0.1)	-0.1

The figures show that the cost of CTS discounts awarded is lower than originally estimated which is due to claimant numbers now reducing, rather than increasing which was the trend when the original estimate was calculated. Conversely, the anticipated benefit from changes to Class A-C exemptions is lower than expected. Overall, there is a net benefit of around £100,000. However, importantly this doesn't include any estimates in relation to the adequacy of the bad debt provision (losses on collection in the above table) as it will take a number of years for final collection rates for 2013/14 to be established. The total council tax debit for 2013/14 is £66m - we currently only have 7 months data which includes the impact of CTS and, given a very small percentage change to the predicted collection rates has a significant impact on the projected bad debts, it is difficult to estimate the level of bad debt with any certainty. We do know that overall collection rates are slightly

behind target for the year and that working-age CTS claimants as a group have the lowest collection rate.

There are also other changes to the council tax base position, such as growth in the number of dwellings, which are not directly linked to the CTS scheme and are not therefore covered in this report but will feed into the Council's overall budget strategy.

The current estimate is a reasonable indicator of the starting cost in 2014/15, since there is no council tax increase and caseloads have been projected at current levels, and there is no further information on which to update the losses on collection or exemptions figures. A reduction of £255,000 is expected (and has been included in the current list of savings proposals) as the Service Area intend to undertake a programme to review Council Tax Support Claimants over the next 12 months.

Council tax income is accounted for through the Collection Fund and ultimately any CTS impacts on collection will feed into the Collection Fund surplus/deficit which is shared between the major precepting authorities (Police, Fire, TWC). Any surplus is available to feed into future budget strategies.

There is a one-off hardship fund totalling £65,000 in 2013/14 to provide support in specific circumstances. It is estimated that £30,000 of this will be spent by year end leaving a balance of £35,000 which could be carried forward to 2014/15 to continue the fund for a further 12 months.

LEGAL ISSUES	Yes	The legal implications are set out in the body of the report. The Council Tax Support Scheme Policy must be made in accordance with the Acts and Regulations it is made under. The Council Tax Support Exceptional Hardship Policy is discretionary. In looking at the recommendations in this report it is particularly important to note the information at section 4.3 which sets out the deadline for approving the policy. Further, as pointed out at paragraph 4.3.4, if the recommendations in the report are not approved and amendments to the policy were to be proposed, a public consultation may be required before such changes could be considered.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	Borough wide impact

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1 Introduction and Background

4.1.1 The Government announced as part of the Spending Review in 2010, that it would localise support for Council Tax from 2013/14, with an expectation that funding would be reduced by 10%.

4.1.2 Our estimation was that for 2013/14 there would be a gap of around £3.1 million between the amount of Council Tax Support funding we would receive from the Government, and the amount we would need to continue to support customers at the same level as they were receiving under the Council Tax Benefit scheme.

4.1.3 Councils were required to establish local Council Tax Support (CTS) schemes to be implemented on 1st April 2013. This reform of council tax support was accompanied by a new cash-limited government grant to councils which is taken into account in setting the Council Tax Base and when forming the CTS local schemes. The support is in the form of discount shown on the Council Tax demand notice.

4.1.4 Whilst the new regulations provided councils with flexibility to set up their own local arrangements, the Government expressed a clear intention in relation to certain aspects of a local scheme. These include:

- The amount of Council Tax Support awarded to pension age customers will continue to be a national prescribed scheme which will effectively protect them from any reduction in support
- Councils should also consider ensuring support for other vulnerable groups
- Local schemes should support work incentives and in particular avoid disincentives to move into work

4.1.5 Telford & Wrekin Council's scheme was introduced on the 1st April 2013 following a wide ranging consultation with residents, stakeholders and partners. It is based on 5 key principals:

- Principal 1 - The cut in funding should not mean cuts to other Council services
- Principle 2 - The impact of the cut should be shared equally across all working age claimants
- Principal 3 - Vulnerable claimants should be protected from changes
- Principal 4 - The needs of those with children or caring responsibilities should be recognised

- Principle 5 - The new scheme should not discourage claimants from retaining or starting low paid employment

4.1.6 For the most part, our local scheme follows the same basic rules of the default national scheme, with a number of key differences which follow the 5 main principals. These are:

- Customers who meet the specific definition of severe disability contained within the policy are protected from any reduction in benefit. This will also apply to customers who meet the criteria for receiving a war compensation related benefit or pension.
- Customers who have in excess of £6,000 in capital are not entitled to Council tax Support. The previous Council Tax Benefit scheme had an absolute cap of £16,000, but any capital between £6,000 and £16,000 reduced the amount of benefit paid to the customer. The first £6,000 however continues to be disregarded in full.
- The maximum period that an award of Council Tax Support can be backdated is 1 calendar month from the date of the application.
- Under the Council Tax Benefit scheme, if you were the only person in your household liable to pay Council Tax, but another adult in your household has a low income, you may have been able to receive Council Tax Benefit of up to 25%. This could be paid regardless of the relative prosperity of the Tax Payer. This benefit, known as Second Adult Rebate was removed in our local scheme.
- A minimum award of £2.50 a week, removing payment to those claimants that only qualify for relatively small amounts of rebate.

4.1.7 In addition to the flexibility to design our own Council Tax Support scheme, the Government also allowed billing authorities' greater discretion over applying discounts and exemptions for certain categories of property from April 2013.

4.1.8 In line with the Council's desire to encourage vacant properties back into use and to maximise additional revenue that could be used to offset some of the Council Tax Support funding gap, we introduced the following technical reforms to Council Tax:

- Reduced the Class A exemption to a 0% discount for the whole period
- Reduced the Class C exemption to a 0% discount for the whole period
- Introduced a 'premium' to charge 150% on dwellings left empty and unoccupied for more than 2 years
- Reduced the second homes discount from 10% to 0%

A Class A exemption is awarded where a property is unfurnished and needs major repairs or is undergoing structural alterations to make it habitable (for up to 12 months only)

A Class C exemption is awarded where a property is unoccupied and unfurnished

4.1.9 We estimated that the additional revenue that could be generated from these changes in 2013/14 would be £1.2 to be redirected to reduce the funding deficit within the Council Tax Support grant.

4.2 Review of the 2013/14 scheme

4.2.1 A financial review of the 2013/14 scheme to date is included in the “Financial Impact” comments at the start of this report.

4.2.2 Essentially, at the point this report was written we are only just over half way through the financial year, and therefore urge caution in drawing too many firm conclusions from the data available so far. The financial impact of the scheme is still being assessed and won't truly be known until after the end of the financial year.

4.2.3 A number of assumptions made when predicting the cost of the CTS scheme, and its impact on Council Tax collection have not transpired as predicted. For example, the amount of additional Council Tax collected following the removal of the empty property discounts has not been as high as predicted, however the impact of this has been offset by the fact that our benefit caseload has started to reduce during the year, meaning that the amount of Council Tax Support awarded is less than expected.

4.2.4 When the 2013/14 scheme was developed, we anticipated that council tax collection may reduce from 99% to 98%. So far this has proven to be accurate, however the figure is very fluid and again, caution should be applied before drawing any firm conclusions at this stage.

4.2.5 The net impact of all the Governments council tax reforms is that at the end of October the net cost to us is £100k better than we predicted before taking into account the position relating to bad debts. However, relatively small shifts in any of the variables could result in significant changes to this position.

4.2.6 It is inevitable that a reduction in the amount of Council Tax Support awarded would result in a corresponding increase in the number of customers defaulting on their council tax payments.

4.2.7 Approximately 10,700 working age customers in our borough have seen a reduction in the amount of their Council Tax support as a result of the Governments changes, of whom, around 8,000 used to receive full Council Tax Benefit and therefore had no Council Tax to pay.

- 4.2.8 As at the end of October 2013, the number of Council Tax summonses issued had increased by 48% compared to the same period last year however on receipt of a summons this seems to be the catalyst for a number of residents to contact us to agree a payment arrangement.
- 4.2.9 To address the new challenges associated with collection from those in receipt of Council Tax Support, pro active telephone calls are being made to try to prompt payment or make an arrangement prior to the case progressing to bailiff action. We have also undertaken a successful Direct Debit take-up campaign to promote the use of DD's as a safe and efficient method of payment as well as introducing a first 'soft reminder' letter to customers who miss their first payment
- 4.2.10 As part of the 2013/14 scheme, a one off hardship fund of £65,000 was set aside to provide additional assistance to Council Tax Support claimants who were genuinely having difficulty paying the additional charges as a result of the reduction in support awarded. The policy for awarding Council Tax hardship was approved by Cabinet in February 2013 alongside the Discretionary Housing Payment Policy and is included at Appendix C.
- 4.2.12 The Revenues Service has been very proactive in encouraging customers to apply for this additional assistance where they feel that the customer is genuinely facing financial hardship. Of the £65,000 that was made available, it is anticipated that around £30,000 will have been awarded by the end of the financial year.
- 4.2.13 A review of the impact of all the Governments Welfare Benefit Reforms was undertaken by the cross party joint Co-Operative & Communities and Budget & Finance Scrutiny Committees on the 3rd September 2013. Their findings from the review are included at Appendix A, with their recommendation that the current scheme should be continued into 2014/15 with no changes made.

4.3 Approving the policy for 2014/15

- 4.3.1 It is a requirement within the legislation that each year, the Council Tax Support scheme for the forthcoming financial year must be approved by Full Council no later than the 31st January. This is required even if the decision is made to retain the existing scheme.
- 4.3.2 The CTS scheme must go through certain steps to comply with provisions in the Local Government Finance Act before it can be adopted by the Council, these are;
- Consultation with major precepting authorities (Police, Fire Service)
 - Public Consultation

- 4.3.3 Consultation with the major precepting authorities (West Mercia Police and Shropshire Fire and Rescue Service) took place before the introduction of the scheme in 2013/14 with various joint meetings with Section 151 Finance Officers, and the Assistant Director: Customer and People.

Both of the precepting authorities have also been consulted about the recommendations for 2014/15.

- 4.3.4 Public consultation is only required if the Council decide to amend their scheme. As a full and robust consultation was undertaken in 2012 prior to the implementation of the current scheme and as we are not proposing to make any major changes there is no duty to consult.

- 4.3.5 Even though no substantial changes are being recommended to our local scheme, a new policy is required for each financial year to reflect technical changes to the default scheme, such as the annual uprating of national benefits and to reflect changes made to other benefits, such as the introduction of Personal Independence payments, Universal Credit, etc. This detailed policy document (marked as Appendix B at agenda item 6) can be accessed from the Council's website at the following link: <http://apps.telford.gov.uk/demservice/agenda.asp?reference=1179>

- 4.3.6 Each year The Department for Communities and Local Government issue a set of CTS scheme regulations that will apply to pension-age claimants as they are not included within our local scheme. This is referred to as The Prescribed Scheme. Although the regulations for the 2014/15 prescribed scheme have not yet been passed, we have been provided with a statement of intent from DCLG which gives us advance notice of the technical changes they intend to make to the pension age scheme. Again, this is largely a case of annual uprating.

4.4 The 2014/15 scheme

- 4.4.1 We are still relatively early in the lifecycle of our localised Council Tax Support scheme and although we have undertaken a thorough analysis of our current position, it is far too early to draw any firm conclusions or make any accurate predictions from the findings at this stage.

- 4.4.2 We are therefore recommending that for 2014/15, we retain the same local scheme that was implemented for 2013/14, except for the technical and legislative amendments that are necessitated each year.

- 4.4.3 This will allow us to gather a full year's worth of data to truly understand the impact of the scheme, both financially and socially, which will allow us to make a better informed view of how the scheme may be developed for 2015/16.

- 4.4.4 The Council Tax Hardship fund has been invaluable this year in assisting us to award help to the most financially vulnerable customers. We are

therefore recommending that any unspent hardship fund should be rolled forward to be used in 2014/15.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 These proposals will impact on all current and future working age recipients of Council Tax Benefit/Council Tax Support and Council Tax payers who would receive an empty property discount.
- 5.2 The engagement activities have also identified that additional consideration should be given to those with limited financial management skills, mental health problems and anxiety in completing forms.
- 5.3 Mitigating actions include:-
- Provision of an Exceptional Hardship Fund
 - Protection for those customers deemed as “vulnerable” which will include severely disabled people
 - Maintenance of core aspects of the current means tested scheme that provides additional assistance where there are dependants, disability and caring responsibilities.
 - Close monitoring of the scheme throughout the first year to ensure unanticipated implications and effects are reviewed and addressed.
- 5.4 Currently there is insufficient information, primarily due to the length of time the new scheme has been in operation to draw firm conclusions over the effectiveness of the mitigations put in place. However, a key action identified in the Community Impact Assessment is to produce an update report ‘at the end of the first year with further analysis of the actual impacts, incorporating engagement with key stakeholders, and detailing the effectiveness of the discretionary fund’ This is scheduled to commence in April 2014 and is consistent with recommendations from Scrutiny.
- 5.5 The full Community Impact Assessment that was completed before the implementation of the 2013/14 scheme is included at Appendix D.

6 PREVIOUS MINUTES

- 6.1 Minute 50 of the Council meeting of 22nd November 2012 (Localised Council Tax Support Policy 2013/14)
- 6.2 Minute CB-107 of the Cabinet meeting of 28th February 2013 (Discretionary Housing Payment and Council Tax Support Hardship Policy)

7. **BACKGROUND PAPERS**

- Appendix A – Scrutiny review of welfare reforms including recommendations regarding CTS scheme for 2014/15
- Appendix B - Council Tax Reduction Scheme Policy under S13a (s) and Schedule 1a of the Local Government Finance Act 1992 – THIS DOCUMENT IS AVAILABLE ELECTRONICALLY AT:
<http://apps.telford.gov.uk/demservice/agenda.asp?reference=1179>
- Appendix C – Discretionary Housing Payments and Council Tax Support Hardship Policy (approved February 2013)
- Appendix D – Community Impact Assessment (undertaken November 2012)

**Report prepared by Lee Higgins, Benefit Service Delivery Manager,
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Budget & Finance and Co-operative & Communities Scrutiny Committees

Scrutiny review of Welfare Benefit Reform Policies

Report to Cabinet

INTRODUCTION

Following earlier work, the Budget & Finance and Co-operative & Communities Scrutiny Committees met on 3rd September 2013 to review the emerging impact of the welfare benefit reforms in Telford & Wrekin. The Committees received a detailed presentation on the impact on each of the following policies:

1. Council Tax Support scheme and Council Tax Support Hardship Payments
2. Discretionary Housing Payments
3. Local Crisis & Resettlement Assistance.

The meeting was attended by Cllr. Bill McClements - Cabinet Member Finance & Resources, Cllr. Hilda Rhodes - Cabinet Member Customer Services, Libraries & Transport, the Assistant Director Customer & People Services and the Benefits Service Delivery Manager.

The Committees considered the impact of the policies to date on the respective budget allocations, on customers and on staff. Members also heard about some of the implications for the social sector housing providers (WHT) and partners (Crisis Network).

SUMMARY OF KEY FINDINGS

1. Council Tax Support scheme and Council Tax Support Hardship Payments

- Collection rates were showing a downward trend (0.99% below last year by August) but were not as bad as expected and currently within tolerance (£600k provision had been made in the budget for bad debt)
- An additional £1.7m Council Tax had been collected to date (projected £5m over the year) as a result of the reductions in discount introduced in April
- 168 hardship applications had been approved, committing £9, 850 (15.5%) of the annual £65k budget which was below budget projections for this point in the year. Where one form of assistance is sufficient, top-ups tend to be paid from the DHP fund (DWP) rather than the CTSHP fund (Council).
- The number of summonses had increased by 918 in July 2013 over the same month last year with first time payers accounting for the majority of summonses
- The team had been very proactive in contacting people affected by the changes to offer support and flexible options to encourage payment
- Authorities which had introduced no or lower cash cuts than Telford & Wrekin were having to consider further reductions to achieve financial sustainability
- Changes to the scheme would require another formal consultation
- Overall, the impacts of the scheme at this stage of the year were considered to be acceptable and manageable and the recommendation was to retain the existing scheme for 2014/15 with no changes.

2. Discretionary Housing Payments

- DWP awarded Telford & Wrekin £356K for DHP in 2013/14
- 2613 households in the borough were affected by the social sector spare room subsidy
- 523 (of 660) applications had been approved, committing £128k of the budget
- Data from Wrekin Housing Trust and Insider Housing showed the social sector spare room subsidy was a particularly acute problem in Telford and Wrekin compared to other authorities because of the lack of smaller accommodation, especially one bedroom properties. At current “churn” rates it was estimated it would take 10 years to re-house people affected in one bed properties; the equivalent estimation for Shropshire was 3 years.
- The length of awards was longer than in previous years because of people unable to move because of the lack of smaller properties
- Overall, DHP was considered to be working well and manageable within budget.

3. Local Crisis & Resettlement Assistance

- DWP awarded £488k programme funding to Telford & Wrekin. £400k was profiled over 12 months and £88k ring-fenced as a contingency to support partners.
- To the end of July, 238 awards had been made (of 329 applications). Officers were managing the budget tightly and only approving expenditure for those most in need.
- The scheme had remained completely cash-free and there was evidence this may have deterred a considerable number of applications
- Suppliers of used goods (white goods/furniture) could only supply two thirds of the demand; a third were bought new (beds/mattresses were always new)
- Provision for vulnerable adults over winter months had been considered
- Small amounts of funding had topped-up Food Banks with essentials in short supply and £19k put towards the Food Bank Co-ordinator post.
- Opportunities to consolidate the procurement of personal items under the LCRA fund were being looked at.

FEEDBACK FOR CABINET TO CONSIDER

From evidence to date the Scrutiny Committees were satisfied that the policies were working well and were manageable within budget. The policies would need time to bed-in for the impacts to be monitored over the longer term. Members recognised much success was due to the proactive and flexible approach of the team and thanked officers for their hard work.

1. The Committees support the retention of the current Council Tax Support scheme without change for 2014/15.
2. Members requested a further update at the end of the financial year but scrutiny should be alerted to any significant changes arising before then.

3. Ideas on ways for the Council to build up a stock of good quality used goods for Local Crisis and Resettlement Assistance, and to increase the donation of suitable goods, should be progressed with partners to avoid additional costs of buying new.
4. The Council should take all possible steps to encourage social housing providers to build smaller properties, especially one-bedroom, to meet the demand created by the “bedroom” tax which is a particularly acute problem in Telford & Wrekin.
5. Safeguarding children and vulnerable adults should remain a priority, as seen in the exceptional DHP awards to families with children affected by the overall benefit cap and the planning of provision for vulnerable people during winter months.
6. Members were conscious of the emotional toll on officers dealing with people in need, and managers should continue to support staff in these roles.

Telford & Wrekin Council
Council Tax Reduction Scheme
S13A and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2014 until 31st March 2015.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2014 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013; and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The Council has **no** discretion in relation to the calculation of Council Tax Reduction in respect of the pension age scheme.

The scheme for pension age applicants – Central Government’s scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

- 1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;
- a. has attained the qualifying age for state pension credit; and
 - b. is not, or, if he has a partner, his partner is not;
 - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
 - ii. a person with an award of universal credit

The three prescribed classes are as follows;

Class A: pensioners whose income is less than the applicable amount.

On any day Class A consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority’s scheme.

Class B: pensioners whose income is greater than the applicable amount.

On any day class B consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- e. in respect of whom amount A exceeds amount B where;
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- g. not have capital savings above £16,000; and
- h. who has made an application for a reduction under the authority's scheme.

Class C: alternative maximum Council Tax Reduction

On any day class C consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;
- c. in respect of whom a maximum Council Tax Reduction amount can be calculated;
- d. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;
- e. who has made an application for a reduction under the authority's scheme; and
- f. in relation to whom the condition below is met.

The condition referred to in sub-paragraph f. is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the

same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

- 1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:
- a. a war disablement pension;
 - b. a war widow's pension or war widower's pension;
 - c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision 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;
 - d. a guaranteed income payment;
 - e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme.

THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of living allowances or *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;
- a. has not attained the qualifying age for state pension credit; or
 - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance.
- 1.7 This scheme shall not apply in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit. The scheme shall not apply to any applicant who is subject to immigration control under Section 115 of the Immigration and Asylum Act 1999 and non-economically active EEA nationals.
- 1.8 The Council has resolved that there will be *three* classes of persons who will receive a reduction in line with adopted scheme (from hereafter referred to as Support). There will be *three* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from support as specified within section 7 of this scheme.

Class D

To obtain support the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner,

¹ Section 5 of this scheme

- his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
 - d. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
 - e. is not deemed to be absent from the dwelling;
 - f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
 - g. be somebody in respect of whom a maximum council tax reduction² amount can be calculated;
 - h. not have capital savings above £6,000³ (£16,000 for protected groups as defined with paragraph 2A.1);
 - i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their (living allowance) *applicable amount*⁵ or the applicant or partner is in receipt of Income Support, Jobseekers allowance (income based) or Employment and Support Allowance (income related); and
 - j. has made a valid application for support⁶.
- Maximum council tax reduction stated above is defined within section 57 of this scheme

Class E

To obtain support the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum council tax reduction⁸ amount can be calculated;
- h. not have capital savings above £6,000⁹ (£16,000 for protected groups as defined with paragraph 2A.1);
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

- within a week in respect of which the person's *income*¹⁰ is **more** than their (living allowances) *applicable amount*¹¹;
- j. have made a valid application for support¹²;
 - k. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum council tax reduction stated above is defined within section 57 of this scheme

Class F - Alternative maximum council tax reduction for Protected Groups¹³

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit¹⁴; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- c. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum council tax reduction¹⁵ amount can be calculated;
- g. have made a valid application for support¹⁶;
- h. be somebody who has at least one second adult living with them who is not his partner, not somebody who pays rent, and who is on a *prescribed* low wage and/or *prescribed* benefit, as set out in within sections 62 and 63 and schedule 2 of this scheme.

Maximum council tax reduction stated above is defined within section 57 of this scheme

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this scheme

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

¹³ Protected groups are defined within paragraph 2A.0

¹⁴ Section 5 of this scheme

¹⁵ Sections 57 to 63 of this scheme

¹⁶ Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2014/15

Sections 2- 8
Definitions and interpretation

2.0 Interpretation – an explanation of the terms used within this scheme

2.1 In this scheme–

‘the Act’ means the Social Security Contributions and Benefits Act 1992;

‘the Administration Act’ means the Social Security Administration Act 1992;

‘the 1973 Act’ means the Employment and Training Act 1973;

‘the 1992 Act’ means the Local Government Finance Act 1992;

‘the 2000 Act’ means the Electronic Communications Act 2000;

‘Abbeyfield Home’ means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

‘adoption leave’ means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

‘an AFIP’ means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004

‘alternative maximum council tax reduction’ (Second Adult Rebate) means the amount determined in accordance with section 62 and Schedule 2;

‘applicable amount’ means the amount determined in accordance with schedule 1 of this scheme

‘applicant’ means a person who the authority designates as able to claim Council tax reduction – for the purposes of this scheme all references are in the masculine gender but apply equally to male and female;

‘application’ means an application for a reduction under this scheme:

‘appropriate DWP office’ means an office of the Department for Work and Pensions dealing with state pension credit or office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance;

‘assessment period’ means such period as is prescribed in sections 19 to 21 over which income falls to be calculated;

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

‘the authority’ means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

‘Back to Work scheme(s)’ means any scheme defined within the Jobseekers (Back to Work Schemes) Act 2013 or Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

‘basic rate’, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).

‘the benefit Acts’ means the Act (SSBA) and the Jobseekers Act 1995 and the Welfare Reform Act 2007;

‘board and lodging accommodation’ means accommodation provided to a family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

'care home' has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

'the Caxton Foundation' means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

'child' means a person under the age of 16;

'child benefit' has the meaning given by section 141 of the SSCBA;

'the Children Order' means the Children (Northern Ireland) Order 1995;

'child tax credit' means a child tax credit under section 8 of the Tax Credits Act 2002;

'claim' means a claim for council tax reduction;

'close relative' means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

'concessionary payment' means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act are charged;

'the Consequential Provisions Regulations' means the Housing Benefit and Council tax reduction (Consequential Provisions) Regulations 2006;

'contributory employment and support allowance' means a contributory allowance under Part 1 of the Welfare Reform Act 2007;

'converted employment and support allowance' means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

'council tax benefit' means council tax benefit under Part 7 of the SSCBA;

'council tax reduction scheme' has the same meaning as **'council tax reduction or reduction'**

'council tax support (or reduction)' means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

'couple' means;

- (a) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013;

'date of claim' means the date on which the application or claim is made, or treated as made, for the purposes of this scheme

'designated authority' means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

'designated office' means the office designated by the authority for the receipt of claims for council tax reduction;

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or

- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;
- ‘disability living allowance’** means a disability living allowance under section 71 of the Act;
- ‘dwelling’** has the same meaning in section 3 or 72 of the 1992 Act;
- ‘earnings’** has the meaning prescribed in section 25 or, as the case may be, 27;
- ‘the Eileen Trust’** means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;
- ‘electronic communication’** has the same meaning as in section 15(1) of the Electronic Communications Act 2000 ;
- ‘employed earner’** is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;
- ‘Employment and Support Allowance Regulations’** means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;
- ‘Employment and Support Allowance (Existing Awards) Regulations’** means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;
- ‘the Employment, Skills and Enterprise Scheme’** means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;
- ‘employment zone’** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;
- ‘employment zone contractor’** means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;
- ‘enactment’** includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
- ‘extended reduction’** means a payment of council tax reduction payable pursuant to section 60;
- ‘extended reduction period’** means the period for which an extended reduction is payable in accordance with section 60A or 61A of this scheme;
- ‘extended reduction (qualifying contributory benefits)’** means a payment of council tax reduction payable pursuant to section 61;
- ‘family’** has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;
- ‘the Fund’** means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;
- ‘a guaranteed income payment’** means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;
- ‘he, him, his’** also refers to the feminine within this scheme
- ‘housing benefit’** means housing benefit under Part 7 of the Act; ‘the Housing Benefit Regulations’ means the Housing Benefit Regulations 2006;
- ‘Immigration and Asylum Act’** means the Immigration and Asylum Act 1999;
- ‘an income-based jobseeker’s allowance’** and **‘a joint-claim jobseeker’s allowance’** have the meanings given by section 1(4) of the Jobseekers Act 1995;
- ‘income-related employment and support allowance’** means an income-related allowance

under Part 1 of the Welfare Reform Act 2007;

'Income Support Regulations' means the Income Support (General) Regulations 1987(a);
'independent hospital'–

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

'the Independent Living Fund (2006)' means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

'invalid carriage or other vehicle' means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

'Jobseekers Act' means the Jobseekers Act 1995; **'Jobseeker's Allowance Regulations'** means the Jobseeker's Allowance Regulations 1996 and Jobseeker's Allowance Regulations 2013 as appropriate;

'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act;

'limited capability for work-related activity' has the meaning given in section 2(5) of the Welfare Reform Act 2007;

'the London Bombing Relief Charitable Fund' means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

'lone parent' means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

'the Macfarlane (Special Payments) Trust' means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

'the Macfarlane (Special Payments) (No.2) Trust' means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

'the Macfarlane Trust' means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

'main phase employment and support allowance' means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

'the Mandatory Work Activity Scheme' means a scheme within section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting applicants to improve their prospect of obtaining employment;

'maternity leave' means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

'member of a couple' means a member of a married or unmarried couple;

'MFET Limited' means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

'mobility supplement' means a supplement to which paragraph 9 of Schedule 4 refers;

'mover' means a applicant who changes the dwelling in which the applicant is resident and in

respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

‘net earnings’ means such earnings as are calculated in accordance with section 26;

‘net profit’ means such profit as is calculated in accordance with section 28;

‘the New Deal options’ means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

‘new dwelling’ means, for the purposes of the definition of ‘second authority’ and sections 60C, and 61C the dwelling to which a applicant has moved, or is about to move, in which the applicant is or will be resident;

‘non-dependant’ has the meaning prescribed in section 3;

‘non-dependant deduction’ means a deduction that is to be made under section 58;

‘occasional assistance’ means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of:

(a) meeting, or helping to meet an immediate short-term need;

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972 ;and

(ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government Act 1972;

‘occupational pension’ means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

‘occupational pension scheme’ has the same meaning as in section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

‘ordinary clothing or footwear’ means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

‘partner’ in relation to a person, means

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

‘paternity leave’ means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

‘payment’ includes part of a payment;

‘pensionable age’ has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013;

‘pension fund holder’ means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

‘pensioner’ a person who has attained the age at which pension credit can be claimed;

‘person affected’ shall be construed as a person to whom the authority decides is affected by any decision made by the council;

‘person on income support’ means a person in receipt of income support;

‘personal independence payment’ has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

‘person treated as not being in Great Britain’ has the meaning given by section 7;

‘personal pension scheme’ means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

'policy of life insurance' means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

'polygamous marriage' means a marriage to which section 133(1) of the Act refers namely;

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- (b) either party to the marriage has for the time being any spouse additional to the other party.

'public authority' includes any person certain of whose functions are functions of a public nature;

'qualifying age for state pension credit' means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

'qualifying contributory benefit' means;

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker's Allowance Regulations 1996

'qualifying income-related benefit' means

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance;

'qualifying person' means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

'reduction week' means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

'relative' means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

'relevant authority' means an authority administering council tax reduction;

'relevant week' In relation to any particular day, means the week within which the day in question falls;

'remunerative work' has the meaning prescribed in section 6;

'rent' means 'eligible rent' to which regulation 12 of the Housing Benefit Regulations refers less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;

'resident' has the meaning it has in Part 1 or 2 of the 1992 Act;

'second adult' has the meaning given to it in Schedule 2;

'second authority' means the authority to which a mover is liable to make payments for the new dwelling;

'self-employed earner' is to be construed in accordance with section 2(1)(b) of the Act;

'self-employment route' means assistance in pursuing self-employed earner's employment whilst participating in–

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973

Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or

- (c) the Employment, Skills and Enterprise Scheme;
- (d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (e) Back to Work scheme.

'service user group' means a group of individuals that is consulted by or on behalf of;

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (i) the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,
- (j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

'single applicant' means an applicant who neither has a partner nor is a lone parent;

'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.

'special account' means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;

'sports award' means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

'the SSCBA' means the Social Security Contributions and Benefits Act 1992

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;

'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills

Funding or Welsh Ministers;

- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

‘the Trusts’ means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

‘Universal Credit’ means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 and the Universal Credit (Miscellaneous Amendments) Regulations 2013;

‘Uprating Act’ means the Welfare Benefit Up-rating Act 2013;

‘voluntary organisation’ means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

‘war disablement pension’ means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

‘war pension’ means a war disablement pension, a war widow’s pension or a war widower’s pension;

‘war widow’s pension’ means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘war widower’s pension’ means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘water charges’ means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

‘week’ means a period of seven days beginning with a Monday;

Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹⁷; and

‘young person’ has the meaning prescribed in section 9(1) and in section 142 of the SSCBA.

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;
 - (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or

¹⁷ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013

- regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

2A.0 Protected Groups

2A.1 The following persons are considered as protected groups within this scheme where the following circumstances apply;

- The applicant or partner is in receipt of a severe disability premium within the calculation of council tax support or within any means tested benefit (Housing Benefit, Income Support, Employment and Support Allowance (Income Related) or Job Seeker's Allowance (Income Based)); or
- The applicant, partner of any dependant is in receipt of a enhanced disability premium within the calculation of council tax support or within any means tested benefit (Housing Benefit, Income Support, Employment and Support Allowance (Income Related) or Job Seeker's Allowance (Income Based)); or
- The applicant or partner is in receipt of a support component within the calculation of council tax support or within their Employment and Support Allowance; or
- The applicant or partner receives War Disablement Pension or a War Widow's/Widower's Pension, or an Armed Forces Independence Payment (AFIP) or any similar payment from another country.

3.0 Definition of non-dependant

3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2

applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

- a. any member of the applicant's family;
- b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
- d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number¹⁸

4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.

4.2 This subsection is satisfied in relation to a person if–

- a. the claim for support is accompanied by;
 - i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 4.3 Paragraph 4.2 shall not apply–
- a. in the case of a child or young person in respect of whom council tax reduction is claimed;
 - b. to a person who;
 - i. is a person in respect of whom a claim for council tax reduction is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
 - iii. has not previously been allocated a national insurance number.

5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit

5.1 This policy for working age applicants does not apply in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit, except where either partner receives income support, income based jobseekers allowance, income related employment and support allowance or universal credit

- 5.2 This scheme also applies to a person if;
- (i) he has not attained the qualifying age for state pension credit; or
 - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (b) a person with an award of universal credit.

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,

6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

6.5 A person shall be treated as engaged in remunerative work during any period for which he is

absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.

- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.

7.0 Persons subject to Immigration Control – exempted from claiming under this scheme
Class of person excluded from this scheme: persons treated as not being in Great Britain

- 7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- 7.2 Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with;
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC ;or
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen)
- 7.5 A person falls within this sub-paragraph if the person is;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971 on the rejection of their claim for asylum;
 - (f) a person who has humanitarian protection granted under those rules; or
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who

is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

- 7.6 A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- 7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- 7.8 In this paragraph
'claim for asylum' has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
'EEA Regulations' means the Immigration (European Economic Area) Regulations 2006;
'Person subject to immigration control' has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.
- 8.0 Temporary Absence (period of absence)**
- 8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable
- 8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.
- 8.3 In paragraph 8.2, a 'period of temporary absence' means—
- a. a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and
 - c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.
- 8.4 This paragraph applies to a person who is;
- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
 - b. resident in a hospital or similar institution as a patient;

- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - d. following, in the United Kingdom or elsewhere, a training course;
 - e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
 - g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - h. a student;
 - i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
 - j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.5 This paragraph applies to a person who is;
- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
 - b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989
- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
 - c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident
- 8.7 In this section;
- ‘medically approved’ means certified by a medical practitioner;
 - ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
 - ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Sections 9 - 11

The family for Council tax reduction purposes

9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
 - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
 - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
 - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'

A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 In paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income-related employment and support allowance; or has an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or

- b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.
- 10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.
- 11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household**
- 11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—
- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;
- a. that child or young person lives with the applicant for part or all of that reduction week; and
 - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Sections 12 – 14 & Schedule 1
Applicable Amounts for Council tax reduction purposes

12.0 Applicable amounts (Living Allowances)

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the amount within paragraph 1 (3) (c) of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts or living allowances) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this scheme (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

14.0 Applicable amount: persons who are not pensioners who have an award of universal credit

14.1 In determining the applicable amount for a week of an applicant—

- a. who has, or
- b. who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

- 14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- 14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council tax reduction purposes

15.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage

- 15.1 The income and capital of:
- (a) an applicant; and
 - (b) any partner of that applicant,

is to be calculated in accordance with the following provisions.

- 15.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

- 15.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

15A.0 Calculation of income and capital: persons who have an award of universal credit

- 15A.1 In determining the income of an applicant
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
 - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
 - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
 - (d) section 16 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
 - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 15A.4 sections 16 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital

of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

16.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's

16.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax reduction scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.

16.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 17.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which an applicant is treated as possessing under section 32 (notional income).

18.0 Treatment of child care charges

- 18.1 This section applies where an applicant is incurring relevant child-care charges and;
- a. is a lone parent and is engaged in remunerative work;
 - b. is a member of a couple both of whom are engaged in remunerative work; or
 - c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
 - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - c. is paid an employment and support allowance;
 - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.

- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 83(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
 - m. by a person who is not a relative of the child wholly or mainly in the child's home.
- 18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- 18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where
- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work- related activity component on account of his having limited capability for work

- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005;
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of

work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—

- in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

18.14 For the purposes of paragraph 18.1 a person on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—

- in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—

- the date that leave ends;
- if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- 'qualifying support'** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- 'child care element'** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

18.17 In this section 'applicant' does not include an applicant;

- who has, or
- who (jointly with his partner) has,
an award of universal credit

19.0 Average weekly earnings of employed earners

19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

19.2 Where the applicant has been in his employment for less than the period specified in paragraph 19.1 a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

19.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

20.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

20.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with section 27 to 29 of this scheme

21.0 Average weekly income other than earnings

21.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 4 of this scheme

21.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.

21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme

22.0 Calculation of average weekly income from tax credits

22.1 This section applies where an applicant receives a tax credit.

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3

22.3 Where the instalment in respect of which payment of a tax credit is made is;

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

22.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined—
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

24.0 Disregard of changes in tax, contributions etc.

24.0 In calculating the applicant's income the appropriate authority may disregard any legislative change

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of social security contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

25.0 Earnings of employed earners

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended¹⁹.

25.2 Earnings shall not include—

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of the applicant's participation in a service user group.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 l)

26.0 Calculation of net earnings of employed earners

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable,

¹⁹ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

specified in paragraphs 1 to 14 of Schedule 3.

- 26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;
- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
 - b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
 - d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.
- 26.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

27.3 This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

- 28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of—
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt—
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of—
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.11 in respect of any qualifying contribution
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
- b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

29.2 The amount to be deducted in respect of social security contributions under paragraphs 28.1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of—

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means—

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph 28.3(a) or, as the case may be, 28.4 of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, any sum, where applicable, specified in Schedule 4.

30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.

- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 ‘tax year’ means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$
Where
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of reduction weeks in the assessment period.
- 30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5
- 30.10 In this section— ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of sections 43 to 45, ‘assessment period’ means—
- a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
 - b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
 - i. the day immediately before the day on which the next instalment of the relevant

- payment would have been due had the payments continued; or
- ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of these dates is earlier

‘quarter’ in relation to an assessment period means a period in that year beginning on;

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or
- d. 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £6,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income

31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of–

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
- e. any sum to which paragraph 48(a) of Schedule 5 refers;

- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit,
- i. any sum to which paragraph 32.13 applies;

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–
- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party’s family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party’s family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–
- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - c. pursuant to section 2 of the 1973 Act in respect of a person’s participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - d. in respect of a person’s participation in the Work for Your Benefit Pilot Scheme
 - e. in respect of a previous participation in the Mandatory Work Activity Scheme;
 - f. in respect of an applicant’s participation in the Employment, Skills and Enterprise Scheme;
 - g. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person’s estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

- 32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.
- 32.9 Subject to paragraph 32.10, where—
- a. applicant performs a service for another person; and
 - b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- 32.10 Paragraph 32.9 shall not apply—
- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
 - b. in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
 - c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- 32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.
- 32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.
- 32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be

payable by him under the Act in respect of those earnings if such contributions were payable; and

- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council tax reduction purposes

33.0 Capital limit

33.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support shall be granted when the applicant has an amount greater than this level.

33.2 Where the applicant falls within the protected group as defined by paragraph 2A.1 the amount specified in paragraph 33.1 shall be £16,000.

34.0 Calculation of capital

34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

35.0 Disregard of capital of child and young person

35.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

36.0 Income treated as capital

36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

37.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

38.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,
less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

39.0 Notional capital

39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).

39.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or

used by him or used by or on behalf of any member of the family.

- 39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
 - (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (c) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case
- a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
 - b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- 39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.
- 39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.
- 40.0 Diminishing notional capital rule**
- 40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;
- a. in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be

- reduced by an amount determined under paragraph 40.3;
- b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where
- (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.
- 40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that
- a. he is in receipt of council tax reduction; and
 - b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of
- a. the additional amount to which sub-paragraph 40.2 (b) refers;
 - b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
 - e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- a. the amount of council tax reduction to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;

- c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub- paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7
 - d. if the applicant would, but for regulation 113 of the Jobseeker’s Allowance Regulations 1996, have been entitled to an income-based jobseeker’s allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker’s allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
 - e. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.
- 40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax reduction and the conditions in paragraph 40.6 are satisfied, and in such a case—
- a. sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words ‘relevant week’ there were substituted the words ‘relevant subsequent week’; and
 - b. subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.
- 40.6 The conditions are that
- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax reduction in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax reduction which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
 - b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.
- 40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.
- 40.8 For the purposes of this section
- a. ‘part-week’
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax reduction is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d)and(e) means—
 - aa. a period of less than a week which is the whole period for which income support

- , an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
- (i) was first taken into account for the purpose of determining his entitlement to council tax reduction; or
- (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;
- and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Calculation of tariff income from capital – Protected Groups only

42.1 Where the applicant's falls with a protected group as defined by paragraph 2A.1, and where that applicant's capital calculated in accordance with this scheme exceeds £6,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 of in excess of £6,000 but not exceeding £16,000

42.2 Notwithstanding paragraph 42.1 where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly tariff income of £1.

42.3 For the purposes of paragraph 42.1, capital includes any income treated as capital under section 36 (income treated as capital).

Sections 43 - 56

Definition and the treatment of students for Council tax reduction purposes²⁰

²⁰ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

'college of further education' means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

'course of study' means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

'covenant income' means the gross income payable to a full-time student under a Deed of Covenant by his parent;

'education authority' means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

'full-time course of study' means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

'full-time student' means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

'grant' (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

'grant income' means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

'higher education' means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

'last day of the course' means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

'period of study' means—

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- c. in the final year of a course of study of more than one year, the period beginning with

that year's start and ending with the last day of the course;

'periods of experience' means periods of work experience which form part of a sandwich course;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

'modular course' means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

'sandwich course' has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

'standard maintenance grant' means—

- a. except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- b. except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- d. in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- a. a course of study at an educational establishment; or
- b. a qualifying course;

'student loan' means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- a. in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- b. in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council tax reduction

45.0 Students who are excluded from entitlement to council tax reduction

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council tax reduction under Classes D and E of the Council's reduction scheme.

45.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

- 45.3 Paragraph 45.2 shall not apply to a student
- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (b) who is a lone parent;
 - (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
 - (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
 - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
 - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
 - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
 - (i) who is;
 - i) aged under 21 and whose course of study is not a course of higher education
 - ii) aged 21 and attained that age during a course of study which is not a course of higher education – this condition needs adding
 - iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person)
 - (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland)

Regulations 1995, in respect of expenses incurred;
(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A Paragraph 45.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
(i) engaged in caring for another person; or
(ii) ill;

(b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

(a) the day on which he resumes attending or undertaking the course; or

(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.
- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.
- 47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

48.0 Covenant income where no grant income or no contribution is assessed

- 48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;
- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
 - (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.
- 48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with subparagraphs (a) to (d) of paragraph 48.1, except that;
- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
 - (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

- 49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme

50.0 Other amounts to be disregarded

- 50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the

necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

51.2 In calculating the weekly amount of the loan to be taken into account as income

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

51.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

- 51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

- 53.1 Where the applicant or his partner is a student and for the purposes of assessing a

contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

54.0 Further disregard of student's income

54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

55.0 Income treated as capital

55.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

55.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

56.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Sections 57 – 63

The calculation and amount of Council tax reduction

57.0 Maximum council tax reduction

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax reduction in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

57.2 In calculating a person's maximum council tax reduction any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

57.3 Subject to paragraph 57.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax reduction) applies, in determining the maximum council tax reduction in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

57A Minimum Council Tax Support

57A.1 The amount of a person's minimum council tax reduction in respect of a day for which he is liable to pay council tax, shall be $\text{£}2.50 \times 1/7$

58.0 Non-dependant deductions²¹

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum Council Tax Reduction) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, $\text{£}xx.xx \times 1/7$;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}x.xx \times 1/7$.

58.2 In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than $\text{£}xx.xx$, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than $\text{£}xx.xx$, but less than $\text{£}xx.xx$, the deduction to be made under this section shall be $\text{£}x.xx$;
- (c) not less than $\text{£}xx.xx$, but less than $\text{£}xx.xx$, the deduction to be made under this section shall be $\text{£}x.xx$;

²¹ The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- 58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 58.4 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day—
- a. a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - b. other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- 58.7 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - c. he is a full time student within the meaning of section 44.0 (Students); or
 - d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - e. 'patient' has the meaning given within this scheme, and
 - f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
 - g. he is not residing with the claimant because he is a member of the armed forces away on

operations

- 58.8 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income—
- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Council tax reduction taper (applies to persons defined within Class E)

- 59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax reduction, shall be $2 \frac{6}{7}$ per cent. Where an applicant's income exceeds their applicable amount, their council tax reduction shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax reduction as defined within section 57 of this scheme

59A.0 Reduction of entitlement (Classes D & E)

- 59A.1 An entitlement calculated in accordance with this scheme shall be reduced by an amount of 21%. The standard deduction shall apply to the council tax reduction calculated for all working age claimants. The deduction **will not apply** where an applicant falls within the protected groups defined within paragraph 2A.1.

60.0 Extended reductions

- 60.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
 - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

- 60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- 60.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.
- 60.4 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where—
- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).
- 60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

60A.0 Duration of extended reduction period

- 60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.
- 60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.
- 60A.3 The extended reduction period ends;
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

60B.0 Amount of extended reduction

- 60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—
- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
 - (b) the amount of council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
 - (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

60C.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax reduction to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction from the appropriate authority, the second authority shall reduce the weekly amount of council tax reduction that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction until the end of the extended reduction period.

60D.0 Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement

60D.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

61.2 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where;

- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

61B .2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to–

- (a) the second authority; or
- (b) the mover directly.

61C.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax reduction to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax reduction that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction (qualifying contributory benefits) until the end of the extended reduction period.

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement

61D.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

61E.0 Extended reductions: movers into the authority's area²²

61E.1 Where;

- (a) an application is made to the authority for a reduction under its scheme, and
- (b) the applicant or the partner of the applicant, is in receipt of an extended reduction from;
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,the current authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

62.0 Alternative maximum council tax reduction (Second Adult Reduction) (Class F)

62.1 Subject to paragraphs 62.2 and 62.3, the alternative maximum council tax reduction where the conditions are satisfied shall be the amount determined in accordance with Schedule 2.

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

62.2 Subject to paragraph 62.3, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 2 shall be divided by the number of persons who are jointly and severally liable for that tax.

62.3 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9, 77 or 77A of the 1992 Act (liability of spouses and civil partners), paragraph 62.2 shall not apply in his case.

63.0 Residents of a dwelling to whom Second Adult Reduction does not apply (Class F)

63.1 Entitlement to an alternative maximum council tax reduction (Second Adult Rebate) shall not apply in respect of any person referred to in the following paragraphs namely;

- (a) a person who is liable for council tax solely in consequence of the provisions of sections 9, 77 and 77A of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (b) a person who is residing with a couple or with the members of a polygamous marriage where the applicant for council tax reduction is a member of that couple or of that marriage and;
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (c) a person who jointly with the applicant for support falls within the same paragraph of sections 6(2)(a) to (e) or 75(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant;
- (d) a person who is residing with two or more persons both or all of whom fall within the same paragraph of sections 6(2)(a) to (e) or 75(2)(a) to (e) of the 1992 Act and two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect

64.0 Date on which entitlement is to begin

64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.

64.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Sections 68– 74A

Claiming and the treatment of claims for Council tax reduction purposes

68.0 **Making an application**²³

68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

69.0 Procedure by which a person may apply for a reduction under the authority's scheme²⁴

69.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 101 – 106A of this scheme, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.
(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—
(a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
(b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69.8 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

69.9 (1) Where an applicant;

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).
- (2) That date is the latest of;
 - a. the first day from which the applicant had continuous good cause;
 - b. the day 1 months before the date the application was made;
 - c. the day 1 months before the date when the applicant requested that the application should include a past period
- (3) Where an applicant falls within a protected group as defined by paragraph 2A.1 the date specified within sub paragraph (2) b, and c, above shall be 6 months.

69A.0 Date on which an application is made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

- (a) in a case where;
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
- (b) in a case where
 - (i) an applicant or his partner is a person in receipt of a guarantee credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
 - (iii) the application is received at the designated office within one month of the date of the change,the date on which the change takes place;
- (c) in a case where;
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
- (d) in a case where;
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

(i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and

(ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

69A.2 For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.

69A.3 Where there is a defect in an applications by telephone;

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

69A.5 The conditions are that—

(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where an application is not on approved form or further information requested by authority applies;

(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;

(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,

in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of

that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

- 69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;
- (a) in the case of an application made by;
- (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or
- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

70.0 Submission of evidence electronically

- 70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

- 71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Information and evidence²⁵

- 72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

- 72.2 This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by;
- (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
- (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

- 72.3 Sub-paragraph (2) does not apply;
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
- (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(iii) has not previously been allocated a national insurance number.

- 72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 72.6 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 72.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.
- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- 73.0 Amendment and withdrawal of application²⁶**
- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- 73.2 Where the application was made by telephone the amendment may also be made by telephone.
- 73.3 Any application amended is to be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.
- 74.0 Duty to notify changes of circumstances²⁷**
- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within the alternative maximum council tax reduction, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

when this occurs.

- 74.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within 21 days of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances

Sections 75- 90

Decisions, decision notices and awards of Council tax reduction

75.0 Decisions by the authority²⁸

75.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁹

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;
(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
(a) informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;
(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

76.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

76.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 This sub-paragraph applies to—
(a) the applicant;
(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
(i) a deputy appointed by the Court of Protection with power to claim, or as the

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

case may be, receive benefit on his behalf; or
(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000⁽³⁾ who has power to apply or, as the case may be, receive benefit on the person's behalf; or
(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax reduction³⁰

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

78.0 Persons to whom support is to be paid³¹

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in support / reduction³²

79.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled³³

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability³⁴

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁴ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

(c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate, it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

83.0 - 90.0 Not used

Sections 91 – 94

Collection, holding and forwarding of information for Council tax reduction purposes

91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council tax reduction with the DWP or HMRC as appropriate.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from–

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

Sections 95 – 98

Revisions, Written Statements, Termination of Council tax reduction

95.0 Persons affected by Decisions

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;
- a. an applicant;
 - b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
 - c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

- 96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;
- (i) one month of the date of notification of the original decision; or
 - (ii) such extended time as the authority may allow.
- 96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;
- i) one month of the date of notification of the additional information; or
 - (ii) such extended time as the authority may allow

97.0 Written Statements

- 97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council tax reduction. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

- 98.1 The authority may terminate support in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
 - b. a decision as to an award of such a support should be revised or superseded.
- 98.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
 - b. a decision as to an award of such a support should be revised or superseded.
- Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 99
Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁵

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

³⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³⁶

- 100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;
- (a) in writing,
 - (b) by means of an electronic communication in accordance this scheme or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 100.2 Where;
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

³⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³⁷
Electronic Communication

³⁷ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

- 101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of;
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

- 103.1 The authority may use intermediaries in connection with;
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;
- (a) by this section; and

(b) by or under an enactment,
are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts³⁸

³⁸ ³⁸ The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance b) is aged not less than 25 c) is aged not less than 18 but less than 25	£xx.xx
2. Lone Parent	£xx.xx
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance b) Where one member is aged not less than 18 c) Polygamous Addition	£xx.xx

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	£xx.xx
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s twentieth birthday.	£xx.xx

(2) In column (1) of the table in paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £xx.xx;
 - b. in any other case, £xx.xx;

Premiums

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely–
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and a
 - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under

paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
Severe Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£xx.xx
Disabled Child Premium	£xx.xx in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£xx.xx in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £xx.xx in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £1£xx.xx in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified

in paragraph 15 are satisfied;
(c) £xx.xx where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £xx.xx. The amount of the support component is £xx.xx.

Transitional Addition

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Second Adult Reduction

(Alternative Maximum Council tax reduction for protected groups as defined with paragraph 2A.1)

1. Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of section 62 shall be determined in accordance with the following Table and in this Table
 - a) 'second adult' means any person or persons residing with the applicant; and
 - b) 'persons to whom paragraph 45.2 applies' includes any person to whom that section would apply were they, and their partner if they had one, below the qualifying age for state pension credit.
2. In this Schedule 'council tax due in respect of that day' means the council tax payable under section 10 or 78 of the 1992 Act less–
 - (a) any reductions made in consequence of any enactment in, or under, the 1992 Act; and
 - (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

Second Adult	Alternative Maximum Council tax reduction
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance–	<p>is less than £xxx.xx per week; - 15 per cent of the council tax due in respect of that day;</p> <p>is not less than £xxx.xx per week but less than £xxx.xx per week; - 7.5 per cent of the council tax due in respect of that day;</p>
(c) where the dwelling would be wholly occupied by one or more persons to whom regulation 43.1 applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance	100 per cent. of the council tax due in respect of that day.

2. In determining a second adult's gross income for the purposes of this Schedule, there shall be disregarded from that income;
 - (a) any attendance allowance, or any disability living allowance under section 71 of the Act or any personal independence payment under the Welfare Reform Act 2012 or an AFIP;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which

- had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).
3. Where there are two or more second adults residing with the applicant for support and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 of the 1992 Act, his income shall be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

Schedule 3

Sums to be disregarded in the calculation of earnings³⁹

³⁹ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
 - (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in
 - (aa) paragraph 25.1(e), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
 - (aa) paragraph 25.1(g) or (h), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax reduction—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,
any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax reduction;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would

have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3.
 - (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
 - (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
 - (3) This paragraph applies where
 - (a) he is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
 - (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5.
 - (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
 - (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8.
 - (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to

which section 4 of that Act applies;

- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

- (2) If the applicant's partner is engaged in employment;
 - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits)

Regulations 1975

- (6) 'Exempt work' means work of the kind described in;
(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
15. Any earnings of a child or young person.
16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
(b) the applicant—
(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
(ii) is a member of a couple and
(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
(bb) his applicable amount includes a family premium; or
(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;
(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative

work for on average not less than 16 hours per week.

- (3) The following are the amounts referred to in sub-paragraph (1);
 - (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10
 - (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
- 17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings⁴⁰

⁴⁰ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

- 12.** (1) Any payment–
- (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15** (1) Subject to sub-paragraph (2), any of the following payments;
- (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;

- (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant;
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
 - (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
- 16.** 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision 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;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
- (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of ‘water charges’ in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words ‘in so far as such charges are in respect of the dwelling which a person occupies as his home’.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student’s award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under

that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non-dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide

benefits in kind to the applicant.

25. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
26. (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
27. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
28. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968

or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the

benefit of–

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit or council tax benefit.
38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
39. - 40. not used
41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Not used
43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
44. Not used
45. (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
(2) In paragraph (1)
'child maintenance' means any payment towards the maintenance of a child or young person,

including any payment made voluntarily and payments made under;

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

- 49.** Not used
- 50.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 51.** Any guardian's allowance.
- 52.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55.** (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
 - (b) surviving civil partner of a person;
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any council tax reduction or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used

57. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
58. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
in respect of which such assistance is or was received.
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Not used
65. Not used
66. Any payment of child benefit.

Schedule 5
Capital to be disregarded⁴¹

⁴¹ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. -6. Not Used
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
 - (3) In the case of a person who is receiving assistance under the self-employment route,

the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

- (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax reduction, for the remainder of that award if that is a longer period.

- (3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means–
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

11. Any sum–
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;

- (b) which was so deposited and which is to be used for the purchase of another home,
for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that support.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

20. Any social fund payment made pursuant to Part 8 of the Act.
21. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
22. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
23. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
24. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child ,a young person or a

student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),but only for a period of 52 weeks from the date of receipt of the payment or repayment.
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41. Any payment made to such persons entitled to receive benefits as may be determined by or

under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the

items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that

date.

- (6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld- Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
‘trust payment’ means a payment under a relevant trust.
- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).



Telford & Wrekin Council
Discretionary Housing Payment
&
Council Tax Support
Hardship Assistance Policy 2013

1. Introduction and aim of policy

This policy applies to all applications for DHPs and Council Tax Support Exceptional Hardship awards.

The Discretionary Housing Payment (DHP) scheme was introduced in July 2001 and is funded through an annual Department for Work & Pensions (DWP) cash limited grant. DHPs provide customers with further financial assistance, in addition to any welfare benefits, when a Local Authority (LA) considers that help with housing costs is required.

From 1 April 2013 Council Tax Benefit will be abolished and replaced by Local Council Tax Support. Consequently Discretionary Housing Payments can no longer cover shortfalls between Council Tax Benefit and Council Tax liability. As part of this Council's Council Tax Support scheme approved on 22 November 2012 members committed to funding £65,000 of support through a Council Tax Support Exceptional Hardship Fund to aid and assist the most impoverished families. The principals of the scheme were also approved by members and are now incorporated within this policy.

The aim of the policy is to ensure that the funding is used in the most appropriate way to provide additional financial assistance to the most vulnerable customers, who without it are likely to experience financial hardship, increased levels of unmanageable debt, homelessness, or the inability to secure or retain the appropriate type of accommodation based on specific need.

Whilst the legislation in relation to DHPs only gives a very broad discretion we have a duty to act fairly, reasonably and consistently. This policy gives the outline of when a DHP and or Council Tax Support Exceptional Hardship award will and will not be granted.

2. Operation of the scheme

Procedural requirements dictate that in every case the claimant must complete the DHP / Council Tax Exceptional Hardship Fund application form giving details of income and expenditure to show that they require further help with their housing or Council Tax costs. If an applicant has difficulty completing the application then assistance will either be given within First Point or through a home visit.

We will use any other available information, including information collected on the original Housing Benefit claim form when considering the claim for a DHP / Council Tax Exceptional Hardship. However, the claimant should provide such available evidence as necessary in support of their claim, for example, a letter from a doctor, evidence of necessary exceptional expenditure, etc. We may request further evidence in support of the application.

A decision maker will meet with the applicant where it is deemed the applicant will benefit from further advice or additional information is required. The purpose of this meeting will be to give the applicant the opportunity to discuss fully their reasons for their application and will allow for the decision maker to consider income, expenditure and family circumstances. This method of approach has two distinct advantages;

- Enables us to gather as much information as possible to assist with the final decision making process, and in doing so will identify possible entitlement to other welfare

benefits or services which the claimant is entitled to which may improve their financial situation.

- The meeting will enable the officer to identify areas and recommend steps that the applicant can take to improve and alleviate their hardship immediately or during the award.

In both the above scenarios a successful award of another benefit or action that the customer can take themselves will reduce or negate the need of a DHP or Council Tax Support Exceptional Hardship award meaning that the extremely limited funds can be diverted to other cases of hardship.

There may be occasions where it may be deemed not necessary to visit including those with a short term need because a known change such as the birth of a child which will end the need for a DHP or where another Officer of the Council e.g. social worker or Partner Organisation e.g. CAB is providing support and advice to the applicant.

The amount and duration of the award is at the discretion of the officers from the Revenues & Benefits Service with delegated responsibility for this function, but a claimant cannot receive a greater amount of DHP / Council Tax Exceptional Hardship award than the shortfall in the weekly eligible rent or Council Tax after taking into account any Housing Benefit / Council Tax Support entitlement.

The expenditure on both Discretionary Housing Payments and Council Tax Support Hardship Assistance will be monitored closely. Each month expenditure will be reported within the Revenues and Benefits monthly update which is circulated to the appropriate Service Delivery Managers and Assistant Director and Cabinet Member. A more detailed breakdown of the expenditure and the reasons for successful applications will be included within the quarterly service report.

3. Factors to Consider

Conditions that must be met for Discretionary Housing Payments

For a DHP to be considered the applicant must be entitled to:

- Housing Benefit ; or Universal Credit; and
- Has a rental liability; and
- Requires further assistance with housing costs

Whilst there is no definition of housing costs we intend to primarily use the limited budget to cover shortfalls in rent. To give help for deposits, rent in advance and removal costs on a typical basis would place a severe burden on the budget.

The Council already operates a bond scheme through its Housing Service to help vulnerable people secure a private tenancy when they are at homeless or risk of becoming homeless and so it is not intended to replicate this through the DHP policy.

In exceptional circumstances the Council may consider making a one-off award e.g. towards a deposit or other housing costs typically in circumstances where the customer needs to move to affordable accommodation due to accrual of rent arrears because of the

shortfall between the rent charged and their Housing Benefit; or is homeless; or is at severe risk of homelessness and does not fall under the criteria for assistance under the bond scheme. It is highly unlikely that any awards will be made to cover rent in advance as for someone in receipt of Housing Benefit the rent will be covered albeit in arrears. The Council also has funds available through the replacement of the Social Fund which may be able to give assistance with deposits, rent in advance or removal costs where the person is suffering a crisis. The delegated decision maker will consider the level of funds available in each budget when making a decision out of which scheme to make the payment.

Discretionary Housing Payments cannot help pay for the following;

- Ineligible service charges,
- Water charges,
- Increases in rent due to rent arrears,
- Shortfalls in entitlement due to sanctions or suspensions,
- Shortfalls caused by Housing Benefit overpayment recovery.

It is not the Council's intention to award a DHP where the shortfall is the result of the overall Benefit Cap. The Government are introducing this cap as they consider that families who receive over £500 per week in benefits (or single people with £350 per week) have sufficient income to cover their rent and living costs.

These families however may benefit from budgeting advice and will be signposted to appropriate agencies. Those with severe disabilities are exempt from the Benefit Cap.

Conditions that must be met for Council Tax Support Exceptional Hardship

For a Council Tax Support Exceptional Hardship award to be considered the applicant must be entitled to:

- Council Tax Support; and
- Has a Council Tax liability; and
- Requires further assistance with the shortfall between the weekly amount of Council Tax charged and the weekly amount of Council Tax Support they are entitled to.

Council Tax Support Exceptional Hardship Fund cannot pay for the following;

- Shortfalls caused by overpayments of Council Tax Support
- Shortfalls in entitlement due to sanctions or suspensions
- Charges incurred as a result of action taken to recover overdue Council Tax, such as liability orders, court costs, fines etc

Given that pension age claimants are protected under the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, which broadly replicate the existing Council Tax Benefit schemes, the exceptional hardship fund will only be available to working age claimants. By limiting applications to the working age group, the Authority will be able to target additional assistance to those most in need.

The age someone is considered pension age is based on the age a person could qualify for Pension Credits. The Pension Credit qualifying age for men and women is gradually rising

to the age of 65. Details of when a person will reach their Pension Credit qualifying age can be found via the following link:

www.dwp.gov.uk/pension-credit-toolkit/about-pension-credit/changes-to-qualifying-ages

Examples of the kind of situations where further help may be given include:

- Assistance to a claimant who is in need of further financial help due to a rent restriction (where regulations require that the full eligible rent is restricted within the Housing Benefit calculation e.g. due to age or under occupation) and whose circumstances are in some way exceptional and/or;
- Assistance to those claimants who reasonably require larger accommodation than that which is normally permitted under the benefit scheme and/or e.g. because of a disabled child who due to their medical condition is unable to share a bedroom with their sibling;
- Assistance to those claimants who have high housing costs, which they do not have the means to pay, and where moving to cheaper accommodation is not a reasonable option and/or;
- Where there has been a significant change in the claimants and/or family circumstances which means the rent or Council Tax charge is no longer affordable.

These are only examples - the list is neither exhaustive nor prescriptive

4. Decision Making

Whilst recognising the need for individual consideration of the circumstances of each case, consistency is also important. Each case needs to be looked at on its own merits and all customers need to be treated equitably and fairly when the scheme is administered. We therefore need to consider in each case:

- If the accommodation could be afforded when the claimant first moved in.
- If a claimant who intended to claim benefit from the outset of the tenancy was aware of the level of their Housing Benefit entitlement prior to taking the tenancy.
- Any action taken by the claimant to re-negotiate the level of rent with the landlord.
- If the claimant is entitled to any other welfare benefits that they are not currently claiming.
- If the property is the cheapest available in the area for the household's needs according to the appropriate size criteria. When considering the area in which it is reasonable to compare properties, we will consider the area in which it is reasonable to expect a claimant to be able to move without losing all current community and support networks on which they depend.
- The amount of the shortfall, between the Housing Benefit liability and any steps that have, or can be taken by the claimant to reduce the shortfall. This includes if there is anyone else able to make up the shortfall such as a non-dependant. For example, an adult son, daughter, other family member or other person residing with the claimant on a non commercial basis etc.
- The financial, medical or social needs and circumstances of the claimant, their partner and any other persons in the household.
- The income and expenditure of the claimant and other members of the claimant's household.
- The amount of any savings and capital held by the claimant and other members of the claimant's household.

- Any exceptional circumstances such as, the ill health or disability of the claimant or a member of the claimant's household. Examples include the need for an extra room because of a health problem affecting a member of the household, a requirement for the household to live where they do because of the need for access to medical or support services, specific extra health-related expenses such as non prescription medicine and the nature of a health problem means the choice of housing is restricted either temporarily or permanently.
- The level of debt of the claimant and family and options to re-negotiate non-priority debts.
- The possible impact of not making such an award, e.g. imminent eviction, the pressure on priority homeless accommodation.
- Whether the applicant has moved into the current property from temporary accommodation in which they were placed as statutorily homeless.
- Any special reasons which make it necessary or especially desirable for the claimant to occupy the dwelling in respect of which the liability arises.
- The probable consequences of rent or council tax arrears for the claimant or family members, especially if any of them are vulnerable by reason of age, sickness or disability.
- Action taken by the landlord to recover arrears of rent.
- The potential discriminatory impact of legislation. For example, housing benefit legislation is such that single claimants aged under 35 are treated significantly less favourably than single people over the age of 35.
- Any other special circumstances

The Decision maker will not normally award a DHP or Council Tax Exceptional Hardship award in cases where the applicant has demonstrated they have sufficient surplus income to be able to meet the shortfall in rent or Council Tax themselves.

The authorised decision maker decides how much to award based on all the circumstances. This may be any amount within the limits prescribed by the Discretionary Financial Assistance Regulations 2001 or up to the difference between the weekly Council Tax liability and Council Tax Support entitled to.

5. Period of award

The duration and level of the Discretionary Hardship Assistance or Council Tax Support Exceptional Hardship award will be determined individually for each claim by the decision maker. In determining the period of award, examples are given below of the types of factors that may be appropriate for consideration;

- If the need is likely to be short-term
- If the customer is able to take steps to reduce their financial hardship
- If the claimant is likely to require assistance in meeting the shortfall for the duration of their tenancy. In these instances, although an award may be made in the short term, where it appears that there is a long term issue of meeting the shortfall the DHP decision maker will work closely with the claimant to identify solutions and options available to ensure that a DHP is awarded for the shortest possible time. In some circumstances moving will not be an option and a long term award may be necessary.
- At what point in the future suitable alternative accommodation could reasonably be expected to be sought.

- When a particular milestone will be reached which will lead to increased Housing Benefit or Council Tax Support entitlement e.g. a family member reaching a relevant age which leads to increased entitlement.
- In the case of Council Tax Support Exceptional Hardship awards the awards are only intended to be short term awards due to the limited fund available. It is not intended that the fund will be a long-term solution to the overall reduction in Council Tax Support.

Where possible we aim for a decision to be made within 14 days of receipt of all information. If the claim is successful, payment of the DHP will be made in the most appropriate way; this will normally be in line with the payment of any Housing Benefit. Council Tax Support Exceptional Hardship awards will be made direct to the relevant Council Tax account.

The amount of any DHP or Local Council Tax Exceptional Hardship award is entirely at the discretion of the delegated officers from the Benefit Service. A successful claim **does not** imply that a further award will be made at a later date, even if the claimant's circumstances have not changed.

The start date of a DHP or Council Tax Support Exceptional Hardship award will usually be the most appropriate of:

- The Monday after the Council receives the relevant claim; or
- The Monday after a relevant change in circumstances giving rise to the need for the DHP or Council Tax Support Exceptional Hardship award.

However the decision maker may decide that a different date is appropriate based on the particular circumstances of the claim. Due to the expected pressure on the DHP budget and Council Tax Support Exceptional Hardship fund a claim will not usually be backdated more than 3 months.

A DHP shall not be awarded for any period for which the customer has no entitlement to Housing Benefit under the Housing Benefit statutory scheme or the Housing Cost element of Universal Credit.

Claims may be made in advance of a change in legislation.

Most awards will be short term awards, typically not more than 4 months, however the length may vary depending on the customer's circumstances. Due to the Government's Welfare Reform changes it may be necessary to award long term DHP awards of 12 months or more e.g. for those suitably housed in a home adapted for the disabled needs of a family but who are affected by the Social Sector Size Criteria and unable to pay the shortfall.

The following are guidelines for the length of award in the following scenarios:

- **Pregnancy** - in the case of a pregnant woman who has had to move home in readiness for the birth and who will have an extra room allowed in either the Social Sector or Local Housing Allowance size criteria when their baby is born we will usually consider awarding a DHP up to 3 months prior to expected date of birth.
- **Illness** - If a person requires an extra bedroom because of illness e.g. because they need a treatment room or because a member of the household has a condition that makes it difficult to share a bedroom, we will consider a longer term DHP for up to 12 months if moving is not an option. Medical evidence will usually need to be provided for the requirement of the extra room. Ongoing entitlement will then usually be reviewed at 12 monthly intervals.

- **Disability** – If a person is living in a property which has been significantly adapted for their disability needs and moving is not an option then a longer term DHP of up to 12 months will be considered. Ongoing entitlement will then usually be reviewed at 12 monthly intervals.
- **Foster Carers** – Foster children are not included in size criteria calculations in Housing Benefit. Income received in respect of a foster child is also disregarded. When Foster Carers are between placements they do not receive Foster Care income and so may find they are unable to afford their rent if they are affected by the size criteria and moving to smaller accommodation may not be an option if they are keeping a spare bedroom in readiness for their next foster child. DHPs in these cases will be considered for up to 3 months. Also when a Foster Carer is looking after a Foster Child there is no allowance within the Foster Care payments for accommodation so it may be possible to make a DHP award to cover the reduction through the size criteria for up to 12 months.
- **Shared Life Carers** (formerly known as adult placements) – where a Shared Life Carer has an adult they are caring for, a bedroom is allowed for the adult within the size criteria rules. However there may be times when a carer is between placements and will be affected by the size criteria. If they are unable to afford their rent because of this and moving to smaller accommodation may not be an option if they are keeping a spare bedroom in readiness for their next placement. DHPs in these cases will be considered for up to 3 months.

All the above are subject to the overriding principles that the customer is not able to afford the shortfall, or take steps which will allow them to be able to afford the shortfall or will have a change of circumstance in the future which will affect the shortfall.

When a DHP or Council Tax Support Hardship Assistance period comes to an end, if a customer wishes to reapply they will usually be required to complete a further DHP application or review form to renew their award. It may be possible to extend an existing DHP period for up to 8 weeks if the customer has confirmed their circumstances have not changed but whose circumstances are likely to change within the next 8 weeks e.g. have been offered a job, moving house, child being born etc. A previous successful award does not guarantee that subsequent awards will be granted.

6. Notification

The Revenues & Benefits Service will notify the customer of the outcome of their application within 3 working days of making the decision.

Where the application is successful, the notification will advise:

- the weekly amount of DHP or Council Tax Support Exceptional Hardship award granted, if any
- the period of the award
- in the case of a DHP how, when and to whom the DHP will be paid
- the requirement to report any relevant change
- any steps that the applicant should take in during the period of the award to resolve or improve their personal situation

Where the application is unsuccessful, the notification will state clearly the reasons for the decision.

All notifications of decisions on claims shall offer the opportunity for the customer to seek a review of the decision made.

7. Changes in circumstances and overpayments

It remains the duty of the claimant to notify the Benefit Section of any change in circumstance that may be relevant to the continuation of their DHP or Council Tax Support Exceptional Hardship award.

A DHP or Council Tax Support Exceptional Hardship award may be revised where the claimant's circumstances have changed. Overpayments of DHPs can be recovered where the payment has been made as a result of a misrepresentation or failure to disclose a material fact or as a result of an error. We will normally recover a DHP or Council Tax Support Exceptional Hardship award where the claimant's own actions contributed towards the overpayment and recovery of the award would enable us to reallocate those sums within the current financial year. However, we will consider the circumstances of each overpayment on its merits, being mindful of the impact that recovery may have on the ongoing financial vulnerability of the applicant.

DHP overpayments cannot be recovered from ongoing Housing Benefit or Council Tax Support. Overpaid Council Tax Support Exceptional Hardship awards may be recovered via the person's Council Tax account.

Fraudulent claims

The Benefit Service is committed to the fight against fraud. Any claimant who tries to fraudulently claim a DHP by providing a false statement or evidence in support of their application may be liable for prosecution.

8. Officer Roles

Decision Maker (Benefit Tenancy Safeguard Officer or equivalent) – will where appropriate visit the applicants in their home or arrange a meeting. They will consider all the information available to them and calculate whether the customer can afford the shortfall between their Housing Benefit / Council Tax Support and their rent / Council Tax liability. The decision maker will also give advice on how the customer can ease their own financial circumstances.

The Decision Maker will decide whether to make an award and the length of any award. They will write to the applicant detailing their decision.

The Benefit Service Delivery Manager has the authority to delegate decision making powers to another suitably experienced officer if there should be a need.

Appeal Officer – any appeals received will be decided by the Benefit Welfare & Assurance Group Manager.

The Benefit Service Delivery Manager has the authority to delegate this function to another suitably experienced officer if there should be a need.

9. Appeals

Discretionary Hardship Assistance or Council Tax Support Exceptional Hardship Assistance are not payments of Housing Benefit or Council Tax Support and are therefore not subject to the statutory appeals mechanism, although the route of Judicial Review is available. The Revenues & Benefits Service will operate the following policy for dealing with appeals against any decision on a claim: –

- A claimant or person acting on their behalf who disagrees with a decision may dispute the decision or request the full reasons for it. A request for a review shall be made in writing and must be delivered to the council by any method which is acceptable for a DHP or Council Tax Support Exceptional Hardship claim. Any request for a review must be made within one month of the customer being notified of the decision.
- Where appropriate, council officers will explain the decision to the claimant by telephone, letter or e-mail. The claimant will be advised of their right to request a review of the decision by a Manager.
- The decision will be reviewed internally by the designated Manager (see 'Officer Roles'), who will not have been responsible for the original decision and they will issue their written decision.
- Where the designated manager carrying out the internal review decides not to revise the original decision, (s)he will notify the appellant of the outcome of the review, setting out the reasons for confirming the original decision.
- In exceptional circumstances only, officers may extend the time limit for a dispute to be made.

10. Publicity

The Revenues and Benefits Service will seek the co-operation of all teams within the unit, housing managers, housing associations and voluntary sector organisations to ensure publicity is suitably targeted to ensure it is those who are most in need apply for the extra assistance.

Community Impact Assessment - Localised Council Tax Support

Section 1 – Overview

1. What is the title of the policy?

Localised Support for Council Tax

2. What are the objectives of the policy? For example, what are we aiming to achieve? Who does it benefit? Please provide a brief description

The national Council Tax Benefit (CTB) scheme comes to an end on 31st March 2013 and is to be replaced by a locally determined system of Council Tax Support (CTS). The funding available for the new scheme will be cash limited. The aim of the new support scheme is to provide financial assistance to council taxpayers within the Council's area who have low incomes.

The Council currently pays Council Tax Benefit to around 18500 claimants and 10700 of these are of working age. We recognise that Council Tax Benefit is paid to greater numbers of women than men and in particular females who do not have a partner. Therefore, we acknowledge that any change to the Council Tax Benefit scheme will have a disproportionate affect on female claimants. We have included a breakdown of our current caseload in Appendix 1 (as of 31 August 2012).

Persons who are of state pension age (a minimum 60 years or greater) are protected under the scheme, in that the calculation of the support they are to receive has been set by Central Government. For working age applicants however, the support they receive is to be determined by the local authority.

This equality impact assessment looks at the potential for **not only** protecting pensioners (as required under the legislation) **but also** providing full support to all working age claimants who are considered **vulnerable** as defined below;

- The claimant or partner is in receipt of a severe disability premium within the calculation of council tax support or within any means tested benefit (Housing Benefit, Income Support, Employment and Support Allowance (Income Related) or Job Seeker's Allowance (Income Based)); or
- The claimant, partner or any dependant is in receipt of a enhanced disability premium within the calculation of council tax support or within any means tested benefit (Housing Benefit, Income Support, Employment and Support Allowance (Income Related) or Job Seeker's Allowance (Income Based)); or
- The claimant or partner is in receipt of a support component within the calculation of council tax support or within their Employment and Support Allowance; or
- The claimant or partner receives War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country.

The objective in adopting this policy would be as follows;

- a. To protect pension age claimants (in accordance with the requirements laid down by Central Government);
- b. to protect a specific section of the existing claimant group deemed to be highly vulnerable and independently verified as being the most seriously sick and not likely to be able to obtain work; and
- c. to protect the Council's armed forces covenant

The main issue for the Council is that the funding for support has been reduced

significantly. However exempting these two additional working age groups (bearing in mind that pensioners are already protected under the scheme by Central Government) would increase the shortfall in funding to be borne by the remaining working age claimants who are not deemed vulnerable.

Central Government has not been prescriptive in how an authority should protect vulnerable groups but points to the Council's existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996 as well as the public sector equality duty in section 149 of the Equality Act 2010.

In relation to disability, no definition has been given as to the level which would lead to protection being given, although it is acknowledged that where a person is in the longer term able to undertake work, that they should be incentivised to do so.

This would not apply to those who are deemed severely disabled.

3. Who does this policy affect?

- Customers/service-users
- Partners
- Employees
- Other – interested parties and organisations representing claimant groups

4. What period does the policy cover?

1st April 2013 until 31st March 2014. Reviewed annually

5. Your contact details:

Name of person completing impact assessment and their post	
Telephone	
Date started	
Other officers/Stakeholders involved	

Section 2 – Impact Assessment

1. Will this policy have a significant impact on any of the following groups of people with regard to the General Equality Duty?

Positive and negative impacts should be assessed with regard to the General Equality Duty;

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between different groups

Please mark all boxes indicating whether an impact has occurred, this could be positive or negative.

	Impact (X)		
	Positive	Negative	None
People of different ages		Working age 18-65yrs	Pension age and protected groups
People with ill health or people with a disability		Disabled persons not in protected group	Severely Disabled persons are in protected group
People of different gender		Women of working age will be affected more than men as they represent a higher number of claimants and tend to be in lower wage employment.	
People who are transgender			No evidence to indicate impact
Different racial groups			No evidence to indicate impact
People with different religion or beliefs			No evidence to indicate impact
People of different sexual orientation			No evidence to indicate impact
Women who are pregnant or breast-feeding			No evidence to indicate impact
People that are married or in a civil partnership			No evidence to indicate impact
People affected by deprivation		Working age 18-65yrs (although there is in-built protection for low incomes)	

What is the expected impact?

All persons within the Council's area who have a low income may apply for support and assistance with their Council Tax.

By making an application, providing evidence of their income and household circumstances, their potential entitlement for support will be calculated in line with Central Government prescribed requirements for the Council Tax Support (Reduction) scheme.

In the case of all claimants, it will be essential for the authority to correctly process claims for support based on the new regulatory requirements and to ensure that all existing benefit claimants continue to receive support through the transition and onwards

The desired outcomes are as follows;

Pension Age Claimants

- That existing pensioner claimants for Council Tax Benefit (up until 31st March 2013) are successfully transferred to the new Council Tax Support scheme;
- That all pensioners receive the level of support required by regulations set by Central Government (Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012);
- That all new pensioner claimants or existing working age claimants who rise to pension age are able to receive Council Tax Support in line with the regulations; and
- That all pensioner claimants continue to receive the correct level of support at all times.

There are currently 7728 pensioner claimants for Council Tax Benefit

Severely Disabled Working Age Claimants (as defined above)

- That existing severely disabled working age claimants (as defined earlier in this assessment) for Council Tax Benefit (up until 31st March 2013) are successfully transferred to the new Council Tax Support scheme;
- That all working age severely disabled claimants receive the level of support currently provided under the existing Council Tax Benefit scheme;
- That all new working age severely disabled claimants or existing working age claimants who become severely disabled are able to receive Council Tax support in line with current Council Tax Benefit scheme; and
- That all working age severely disabled claimants continue to receive the correct level of support at all times.

Working Age Claimants who receive a war widows pension or war disablement pension

- That existing working age claimants who meet the criteria and who currently claim Council Tax Benefit (up until 31st March 2013) are successfully transferred to the new Council Tax Support scheme;
- That all working age claimants who meet the criteria, receive the level of support currently provided under the existing Council Tax Benefit scheme;
- That all new working age claimants or existing working age claimants who meet the criteria are able to receive Council Tax support in line with current council tax benefit scheme; and
- That all working age claimants who meet the criteria, continue to receive the correct level of support at all times.

There are currently 240 Council Tax Benefit claimants who are either severely disabled

working age claimants or receive a war widows or war disablement pension.

Remaining Working Age Claimants (not protected)

- That the remaining existing working age claimants who currently claim Council Tax Benefit (up until 31st March 2013) are successfully transferred to the new Council Tax Support scheme;
- That the remaining (non protected) working age claimants receive the level of support decided by the Council;
- That all new working age claimants or existing working age claimants who are not in the protected categories are able to receive Council Tax Support in line with Council policy; and
- That they continue to receive the correct level of support at all times.

There are around 10500 remaining working age claimants who would not be protected from the impact of any changes in the new Council Tax Support scheme unless they were defined as vulnerable.

A breakdown of those affected by Parish area is included at Appendix 1.c. We recognise there are areas within the Borough where there are higher numbers of people claiming Council Tax Benefit and acknowledge therefore that claimants in these areas will disproportionately be affected when compared to the whole Borough.

There are a number of factors which will **contribute** to the outcomes of the new process namely;

- That the new Council Tax Support scheme broadly replicates the existing Council Tax Benefit scheme for pension age and working age disabled claimants;
- That management and staff are experienced in delivering means tested support / benefit schemes; and
- That there is a comprehensive project plan, which ensures that delivery of the new scheme, will be on time and in line with legislative requirements.

The factors / forces that could **deduct** from these outcomes are as follows;

- The failure of Central Government to approve the necessary legislation on time;
- The tight timescales for implementation of the new scheme;
- The failure of the Council's software suppliers to deliver the necessary changes to existing software systems to enable the correct processing of the new support; and
- The failure to deliver these significant changes to the welfare benefit system on time and within budget.

2. What engagement and consultation have you already carried out?

The Council has consulted with major preceptors and has consulted with the public commencing in August 2012 ending on 26th October 2012.

The information has been collated and will influence the decisions made by the Council prior to the 31 January 2013 in order to allow the implementation of the scheme for the April 2013.

3. Please give brief details of any further engagement/consultation you plan to carry out with any of the above groups, particularly where you feel you don't have sufficient information.

All major precepting authorities have been consulted on the implementation of the new Council Tax Support scheme and a full consultation with the public was undertaken as required by the legislation (Local Government Finance Act 2012) from 28th August 2012 to 26th October 2012.

The consultation delivered responses regarding the principles used to identify the changes and the thoughts of people regarding the individual proposals.

Whilst pension age claimants are protected, the Council still, as part of the consultation process, looked to pension age claimants and pensioners generally to respond to the consultation itself.

In respect of working age severely disabled claimants and the protected groups generally, it was essential to consult with the group as, being of working age, they will be directly affected by any changes decided by the Council.

For working age claimants generally or those who are not classified as protected within this policy, extensive consultation was undertaken to obtain their views given that the level of support they receive will be reduced significantly where these other groups are protected.

The consultation process was robust, comprehensive and encouraged a full response to the new support scheme itself (notwithstanding the fact that the authority is obliged to implement the scheme determined by Central Government for pension age claimants).

The consultation process has utilised a number of communication channels and delivered a maximum coverage of the Borough through the production of a specialized consultation document to every household within the Borough. Direct engagement with potentially affected claimants was undertaken in First Point, Telford at Civic Offices when customers access the benefit service.

Groups representing disabled people or people who chronically sick have been directly consulted as part of the process and we have encouraged their opinions on both local and national schemes.

Public consultation has taken place during the period 28 August 2012 until 26 October 2012

Appendix 2 provides links to information used as part of the consultation.

Section 3 – Mitigating Actions

1. For each significant negative impact identified in Section 2 (Questions 3 & 4), what action have you taken, or will you be taking, to reduce/manage these impacts?

Where claimants are not protected, the level of support will be reduced in line with the funding available from Central Government.

This will be mitigated to some degree by the Council having the ability to assist claimants, by awarding additional support, where they are facing **exceptional** hardship and each case will be examined on a case-by-case basis taking into account their full personal and financial circumstances.

It is **not** possible to protect all claimants given the significant reduction in funding available to the Council.

All working age claimants **not** in the protected groups will see a reduction in support from the current Council Tax Benefit levels. However depending on their circumstances, the reduction they experience will be proportionate to the level of benefit they currently get and also their specific circumstances.

The Council is maintaining the core aspects of the current means tested scheme that provides additional assistance where there are dependants, disability and caring responsibilities by continuing to grant;

- disability premiums;
- enhanced disability premiums;
- severe disability premiums;
- work related activity components (where the person is in receipt of Employment and Support Allowance);
- support component (where the person is in receipt of Employment and Support Allowance);
- disabled child premiums (where dependants are in receipt of Disability Living Allowance or are registered / certified blind; and
- carer's premium where the claimant or partner is in receipt of Carer's Allowance

The scheme also provides significant work incentives with the continued use of;

- earnings disregards;
- additional earnings disregards;
- childcare disregards; and
- extended payments (reductions)

The Council, in creating its policy, has looked to protect families from child poverty by maintaining

- Dependants Additions – an allowance for each child is used within the calculation;
- Disabled Child Premiums – where a child is deemed to be disabled under the policy an additional premium is granted for each child within the calculation;
- Enhanced Disability Premium (where the child is entitled to Disability Living Allowance Care Component at the highest rate); and
- Family premium – where any claimant has at least one child, a family premium is awarded.

In addition child benefit, child maintenance and other income payable to children will continue to be disregarded in full.

The engagement activities have identified that consideration should be given to those with limited financial management skills, mental health problems and anxiety in completing forms. As part of the wider changes to Welfare Reform being delivered through a number of Council services, the Council will continue to proactively engage and work with interested groups and third party organisations (including but not limited to Citizen's Advice Bureau) to maximise opportunities to support and advise customers affected by the changes, especially but not exclusively limited to customers who may share these characteristics.

Also, to some extent some of the concerns identified above will be mitigated by the fact that the Benefit Service operate a telephone and face-to-face application process that alleviates the requirement for a paper based application to be completed and guides the claimants through the process in a much more supportive manner. Home visits are available to customers in exceptional circumstances, particularly where the customer may have mobility difficulties or complex needs.

- 2. For each significant positive impact you identified in Section 2 (Questions 3 & 4) what action have you taken, or will you be taking, to maximise the opportunity?**

N/A

Remember to integrate any actions you have identified in to your service/team plans.

- 3. How do any of the above actions contribute to the aims of the General Equality Duty;**
- **eliminate unlawful discrimination, harassment and victimisation**
 - **advance equality of opportunity**
 - **foster good relations between different groups**

The above actions eliminate unlawful discrimination and maintain the level of support to the most vulnerable within the Council's area.

We believe the current proposals are objectively justified to achieve the legitimate aim of protecting the most vulnerable in our society whilst budgetary reductions of 10% or more are implemented nationally in relation to available council tax support. These steps will also improve equitable outcomes by removing inconsistencies where household income levels are not taken into consideration.

Where negative impacts have been identified we have made attempts to lessen the impact on those affected; the continuation of childcare disregards in calculations and a reactive hardship fund for instance.

We will also continue to review the situation and seek to provide further mitigation as and when opportunities and budgetary constraints allow.

Section 4 – Review and Monitoring

- 1. From what date will this policy be implemented?**

1st April 2013

2. How will the actual impact of the policy be monitored and reviewed?

Full monitoring of scheme implementation on a monthly basis in line with the accepted project plan.

Monthly and quarterly collection of data is to be undertaken by the Revenues and Benefits Service.

An update report will be produced at the end of the first year with further analysis of the actual impacts incorporating engagement with key stakeholders and detailing the effectiveness of the discretionary fund – April 2014

APPENDIX 1

Current Council Tax Benefit Caseload Breakdown

1a. Breakdown by case group

Case Group	Number of Current Council Tax Benefit claims
Pension Age	7728
Working Age	10774

1b. Working Age claims breakdown by gender by the person claiming Council Tax Benefit

Gender	Number of claims
Female with partner	1607
Female without partner	5493
Male with partner	1464
Male without partner	2210

1c. Working Age claims breakdown by Parish area

Parish	Number of Council Tax Benefit claims
Dawley Hamlets Parish Council	288
Ercall Magna Parish Council	37
The Gorge Parish Council	112
Great Dawley Parish Council	1295
Hadley and Leegomery Parish Council	900
Hollinswood & Randlay Parish Council	425
Ketley Parish Council	269
Lawley & Overdale Parish Council	419
Lilleshall & Donnington Parish Council	886
Madeley Parish Council	1890
Newport Town Council	355
Oakengates Town Council	558
St Georges & Priorslee Parish Council	467
Stirchley & Brookside Parish Council	1047
Wellington Town Council	1332
Wrockwardine Parish Council	66
Wrockwardine Wood & Trench Parish Council	318
Others*	101

*Represents Parish areas with fewer than 20 claimants and have been combined to protect against the potential identification of individuals.

Information extracted from Telford & Wrekin Council Tax information management system 31 August 2012. The number of claimants can change daily so this information is only accurate at the time of extraction

APPENDIX 2 – Consultation Documents

Council Tax Support Consultation – Consultation Document

http://www.telford.gov.uk/downloads/file/4622/council_tax_support-consultation_document

Council Tax Support Consultation – Consultation Survey

Online - http://www.telford.gov.uk/downloads/file/4623/council_tax_support-draft_proposed_scheme

Paper - http://www.telford.gov.uk/downloads/file/4621/council_tax_support-paper_survey

Your Voice Special edition

http://www.telford.gov.uk/downloads/file/4705/council_tax_benefit-the_changes_that_could_affect_you

TELFORD & WREKIN COUNCIL

CABINET – 12TH DECEMBER 2013

HEALTH & SOCIAL CARE INTEGRATION

REPORT OF INTERIM DIRECTOR OF HEALTH, WELLBEING & CARE

LEAD CABINET MEMBER CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 This report sets out the requirements placed upon the Council and Clinical Commissioning Group (CCG) to move towards the integration of health and social care services, with particular reference to the requirements to have an Integration Transformation Fund (ITF) agreed and in place by April 2015.
- 1.2 In reality this means that integration proposals need to be developed now, to allow relevant budgets to be freed up during 2014/15 for inclusion in the ITF and an initial planning template has to be submitted by 15 February 2014, signed off by the Council, CCG and Health and Wellbeing Board.

2. RECOMMENDATIONS

- 2.1 **Members note requirements to put in place an Integration Transformation Fund.**
- 2.2 **Members note that a Task and Finish Group has been established with nominated Officers from both the CCG and Council to complete the planning template to meet the deadline set.**
- 2.3 **A further detailed report is brought to Cabinet on 30th January 2014 with a view to signing off the draft Plan Submission**
- 2.4 **A further detailed report is brought to the Extraordinary meeting of the Health and Wellbeing Board in February with a view to signing off the Draft Plan Submission.**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-operative Council priorities?	
	Yes	<i>Vulnerable Children & Adults Health and Wellbeing</i>
	Will the proposals impact on specific groups of people?	

	Yes	Will impact on people who are ill or disabled, who need support and on their family carers.
TARGET COMPLETION/DELIVERY DATE	See attached actions.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>The Government have identified £3.8bn nationally in 2015/16 for the Integrated Transformation Fund (ITF). This includes the continuation of the £200m of additional national funding in 2014/15 to assist local authorities in the implementation of the ITF.</p> <p>Individual allocations of funding for 2014/15 and 2015/16 will be announced as part of the Government's Autumn statement.</p> <p>In 2015/16 the ITF will be created from £1.9bn NHS funding and £1.9bn based on existing funding in 2014/15.</p> <p>£1bn of the £3.8bn will be performance related - linked to achieving outcomes.</p> <p>As the pooled budget consists of funding already committed and does not include any new funding the requirements of the fund may well exceed the existing budget arrangements. The financial implications of the Integration Transformation Fund (ITF) will need to be fully assessed as work towards implementation progresses.</p> <p>More detailed financial information relating to the Fund is included in the main body of the report.</p> <p>The Council are in separate ongoing discussions with the CCG in relation to an additional contribution by them towards the extra costs falling on the Council in relation to the current CHC situation in Telford & Wrekin and the increasing drive to reduce hospital care within the NHS. Both of these issues passport increased activity and costs to the Council.</p>
LEGAL ISSUES	Yes	The new integration provisions will bring significant changes to the commissioning of some Council and Clinical Commissioning Group (CCG) services. As the draft plan (referred to in paragraph 2.2 of the recommendations) takes shape, officers will identify specific areas where changes to existing commissioning processes will be needed to incorporate the integration required.

		<p>These changes may effect the Council's and CCG's commissioning plans and may require separate reports elsewhere such as Cabinet and CCG Governance Board. For example, changes to existing delegated powers may need to be made to undertake the new joint commissioning. At appendix 1 of this report there is reference (at paragraph 17 of Appendix A to the letter) to potential legislative changes which, if implemented, will need to be complied with as part of this process. This will be monitored by officers.</p> <p>As mentioned in paragraph 4.4 of the report, there will be standards for the plan which are national requirements. However, there will also be the Council's and CCG's own requirements which officers will advise upon to ensure good governance, effective contract management and the protection of sensitive data.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	<p>The timeframe for submitting a draft plan by 15th February 2014 is challenging, and will require a rapid joint effort by the Council and CCG.</p> <p>The existing information governance data sharing challenges in the NHS, caused by the introduction of the Health and Social Care Act 2012, may delay implementation of data sharing to support the integration of health and social care.</p>
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 The Health and Social Care Act, 2012 set out expectations around greater integration of health and social care services to provide more effective pathways and better outcomes and value for patients/service users. The spending review at the end of June 2013 set out the requirement to set up an Integration Transformation Fund (ITF) by April 2015, with at least a minimum value of CCG and Council monies included in the ITF. The national value of this funding in 2015/16 is £3.8bn and it includes the continuation of the national 2014/15 NHS transfer to local authorities. The spending review announced an increase to this transfer in 2014/15 by £200m to help local authorities prepare for the implementation of the ITF and make early progress on priorities.
- 4.2 On 17th October, NHS England and the Local Government Association jointly released a letter titled "Next Steps on implementing the ITF". There is an expectation that

Health and Wellbeing Boards will oversee the development of a shared plan for the totality of health and social care activity within their area and that over time the level of total funding the CCG and LA will commit into the ITF will increase. The letter suggests that a fully integrated service calls for a step change in our current arrangements to share information, share staff, share money and share risk.

- 4.3 Nationally there is a requirement to put our local share of £3.8billion identified as the minimum amount to be included in the ITF. This money is not new money but there is an expectation the Council and CCG will agree to use the money to take forward a new shared approach to health and social care. The local value of our proportion of the £3.8billion is still to be totally identified but include the local NHS proportion of £1.9billion of current NHS funding and the local proportion of another £1.9billion that currently is made up of existing funding badged as Carers Breaks Funding, CCG reablement funding and capital funding (including Disabled Facilities Grant).
- 4.4 The fund will be allocated to local areas where it will be put into a pooled budget under joint governance between the CCG and Council, with a condition that they must have a jointly agreed plan which meets certain requirements set nationally. There are 6 national conditions:
- Plans to be jointly agreed.
 - Protection for social care services (not spending).
 - 7 day services in health and social care to support patient discharge from hospital and prevent unnecessary admissions at weekends.
 - Better data sharing between health and social care based on the NHS number.
 - Joint approach to assessments and care planning, funding used for integrated packages and a named accountable professional in all cases.
 - Agreement on the consequential impact of changes in the acute sector.
- 4.5 Elements of the ITF will be performance related amounting to £1billion of the national £3.8billion total. Of this £1billion, 50% will be paid at the start of 2015/16 based on 14/15 performance and that there is a joint plan in place. The other 50% of the £1billion will be paid in the second half of 2015/16 based on in-year performance. Performance measures include delayed transfers of care, emergency admissions, effectiveness of re-ablement, admission levels to residential and nursing homes, patient and service user experience.
- 4.6 The CCG, Council and Health and Wellbeing Board will have to return a planning template by 15 February 2014. For more detail see attached letter – Appendix 1 and Planning Template – Appendix 2.
- 4.7 Discussions are underway between Officers of the CCG and Council to develop a vision for the integration of health and social care locally, to share with our respective organisations for approval. Reports are being taken to Council's Cabinet and CCG Governance Board to inform of this national requirement with a view to agreeing the governance arrangements in conjunction with the Health and Wellbeing Board.
- 4.8 Clearly the ITF provides significant opportunities to build on the very good examples we have locally of integrated working, but there will be huge challenges on the way.

5. **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

n/a

6. **PREVIOUS MINUTES**

None.

7. **BACKGROUND PAPERS**

- 7.1 Letter inviting expression of interest for Health and Social Care Integration Pioneers - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198746/2013-05-13_Pioneers_Expression_of_Interest_FINAL.pdf

Report prepared by:

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17 October 2013

To: CCG Clinical Leads
Health and Wellbeing Board Chairs
Chief Executives of upper tier Local Authorities
Directors of Adult Social Services

cc: CCG Accountable Officers
NHS England Regional and Area Directors

Dear Colleagues

Next Steps on implementing the Integration Transformation Fund

We wrote to you on 8 August 2013 setting out the opportunities presented by the integration transformation fund (ITF) announced in the spending review at the end of June. While a number of policy decisions are still being finalised with ministers, we know that you want early advice on the next steps. This letter therefore gives the best information available at this stage as you plan for the next two years.

Why the fund really matters

Residents and patients need Councils and Clinical Commissioning Groups (CCGs) to deliver on the aims and requirements of the ITF. It is a genuine catalyst to improve services and value for money. The alternative would be indefensible reductions in service volume and quality.

There is a real opportunity to create a shared plan for the totality of health and social care activity and expenditure that will have benefits way beyond the effective use of the mandated pooled fund. We encourage Health and Wellbeing Boards to extend the scope of the plan and pooled budgets.

Changing services and spending patterns will take time. The plan for 2015/16 needs to start in 2014 and form part of a five year strategy for health and care. Accordingly the NHS planning framework will invite CCGs to agree five year strategies, including a two year operational plan that covers the ITF through their Health and Wellbeing Board.

A fully integrated service calls for a step change in our current arrangements to share information, share staff, share money and share risk. There is excellent practice in some areas that needs to be replicated everywhere. The ingredients are the same across England; the recipe for success differs locality by locality.

Integrated Care Pioneers, to be announced shortly, will be valuable in accelerating development of successful approaches. We are collaborating with all the national partners to support accelerated adoption of integrated approaches, and will be launching support programmes and tools later in 2013.

Where does the money come from?

The fund does not in itself address the financial pressures faced by local authorities and CCGs in 2015/16, which remain very challenging. The £3.8bn pool brings together NHS and Local Government resources that are already committed to existing core activity. (The requirements of the fund are likely to significantly exceed existing pooled budget arrangements). Councils and CCGs will, therefore, have to redirect funds from these activities to shared programmes that deliver better outcomes for individuals. This calls for a new shared approach to delivering services and setting priorities, and presents Councils and CCGs, working together through their Health and Wellbeing Board, with an unprecedented opportunity to shape sustainable health and care for the foreseeable future.

Working with providers

It will be essential for CCGs and Local Authorities to engage from the outset with all providers, both NHS and social care, likely to be affected by the use of the fund in order to achieve the best outcomes for local people. They should develop a shared view of the future shape of services. This should include an assessment of future capacity requirements across the system. CCGs and Local Authorities should also work with providers to help manage the transition to new patterns of provision including, for example, the use of non-recurrent funding to support disinvestment from services. It is also essential that the implications for local providers are set out clearly for Health and Wellbeing Boards and that their agreement for the deployment of the fund includes agreement to the service change consequences.

Supporting localities to deliver

We are acutely aware that time is pressing, and that Councils and CCGs need as much certainty as possible about how the detail of the fund will be implemented. Some elements of the ITF are matters of Government policy on which Ministers will make decisions. These will be communicated by Government in the normal way. The Local Government Association and NHS England are working closely together, and collaborating with government officials, to arrive at arrangements that support all localities to make the best possible use of the fund, for the benefit of their residents and patients. In that spirit we have set out in the attached annex our best advice on how the Fund will work and how Councils and CCGs should prepare for it.

The Government has made clear that part of the fund will be linked to performance. We know that there is a lot of interest amongst CCGs and Local Authorities in how this “pay-for-performance” element will work. Ministers have yet to make decisions on this. The types of performance metrics we can use (at least initially) are likely to be largely determined by data that is already available. However, it is important that local discussions are not constrained by what we can measure. The emphasis should be on using the fund as a catalyst for agreeing a joint vision of how integrated

care will improve outcomes for local people and using it to build commitment among local partners for accelerated change.


Joint local decision making and planning will be crucial to the delivery of integrated care for people and a more joined up use of resources locally. The ITF is intended to support and encourage delivery of integrated care at scale and pace whilst respecting the autonomy of locally accountable organisations.

This annex to this letter sets out further information on:

- How the pooled fund will be distributed;
- How councils and CCGs will set goals and be rewarded for achieving them;
- Possible changes in the statutory framework to underpin the fund;
- The format of the plans for integrated care and a template to assist localities with drawing up plans that meet the criteria agreed for the fund;
- Definitions of the national conditions that have to be met in order to draw on the pooled fund in any locality; and
- Further information on how local authorities, CCGs, NHS England and government departments will be assured on the effective delivery of integrated care using the pooled fund.

Leads from the NHS and Local Government will be identified to assist us to work with Councils and CCGs to support implementation. More details on this can be found in the annex. We will issue a monthly bulletin to Councils and CCGs with updates on the Integration Transformation Fund.

Yours faithfully



Carolyn Downs
Chief Executive
Local Government Association



Bill McCarthy
National Director: Policy
NHS England

Advice on the Integration Transformation Fund

What is included in the ITF and what does it cover?

Details of the ITF Fund

The June 2013 SR set out the following:	
2014/15	2015/16
An additional £200m transfer from the NHS to social care, in addition to the £900m transfer already planned	£3.8bn pooled budget to be deployed locally on health and social care through pooled budget arrangements
In 2015/16 the ITF will be created from the following:	
£1.9bn NHS funding	
£1.9bn based on existing funding in 2014/15 that is allocated across the health and wider care system. Composed of:	
<ul style="list-style-type: none"> • £130m Carers' Breaks funding • £300m CCG reablement funding • £354m capital funding (including c.£220m of Disabled Facilities Grant) • £1.1bn existing transfer from health to social care 	

1. The Integration Transformation Fund will be £3.8 billion worth of funding in 2015/16 to be spent locally on health and care to drive closer integration and improve outcomes for patients and service users. In 2014/15 an additional £200m transfer from the NHS to social care in addition to the £900m transfer already planned will enable localities to prepare for the full ITF in 2015/16.
2. In 2014/15 use of pooled budgets remains consistent with the guidance¹ from the Department of Health to NHS England on 19 December 2012 on the funding transfer from NHS to social care in 2013/14. In line with this:
3. *“The funding must be used to support adult social care services in each local authority, which also has a health benefit. However, beyond this broad condition we want to provide flexibility for local areas to determine how this investment in social care services is best used.*
4. *A condition of the transfer is that the local authority agrees with its local health partners how the funding is best used within social care, and the outcomes expected from this investment. Health and wellbeing boards will be the natural place for*

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213223/Funding-transfer-from-the-NHS-to-social-care-in-2013-14.pdf

discussions between the Board, clinical commissioning groups and local authorities on how the funding should be spent, as part of their wider discussions on the use of their total health and care resources.

5. *In line with our responsibilities under the Health and Social Care Act, NHS England is also making it a condition of the transfer that local authorities and clinical commissioning groups have regard to the Joint Strategic Needs Assessment for their local population, and existing commissioning plans for both health and social care, in how the funding is used.*
6. *NHS England is also making it a condition of the transfer that local authorities demonstrate how the funding transfer will make a positive difference to social care services, and outcomes for service users, compared to service plans in the absence of the funding transfer”*
7. In 2015/16 The fund will be allocated to local areas, where it will be put into pooled budgets under joint governance between CCGs and local authorities. A condition on accessing the money in the fund is that CCGs and local authorities must jointly agree plans for how the money will be spent, and these plans must meet certain requirements.

How will the ITF be distributed?

8. Councils will receive their detailed funding allocation following the Autumn Statement in the normal way. When allocations are made and announced later this year, they will be two-year allocations for 2014/15 and 2015/16 to enable planning.
9. In 2014/15 the existing £900m s.256 transfer to Local Authorities for social care to benefit health, and the additional £200m will be distributed using the same formula as at present.
10. The formula for distribution of the full £3.8bn fund in 2015/16 will be subject to ministerial decisions in the coming weeks.
11. In total each Health and Wellbeing Board area will receive a notification of its share of the pooled fund for 2014/15 and 2015/6 based on the aggregate of these allocation mechanisms to be determined by ministers. The allocation letter will also specify the amount that is included in the pay-for-performance element, and is therefore contingent in part on planning and performance in 2014/5 and in part on achieving specified goals in 2015/6.

How will Councils and CCGs be rewarded for meeting goals?

12. The Spending Review agreed that £1bn of the £3.8bn would be linked to achieving outcomes.
13. In summary 50% of the pay-for-performance element will be paid at the beginning of 2015/16, contingent on the Health and Wellbeing Board adopting a plan that

meets the national conditions by April 2014, and on the basis of 2014/15 performance. The remaining 50% will be paid in the second half of the year and could be based on in-year performance. We are still agreeing the detail of how this will work, including for any locally agreed measures.

14. In practice there is a very limited choice of national measures that can be used in 2015/6 because it must be possible to baseline them in 2014/5 and therefore they need to be collected now with sufficient regularity and rigour. For simplicity we want to keep the number of measures small and, while the exact measures are still to be determined, the areas under consideration include:

- Delayed transfers of care;
- Emergency admissions;
- Effectiveness of re-ablement;
- Admissions to residential and nursing care;
- Patient and service user experience.

15. In future we would hope to have better indicators that focus on outcomes for individuals and we are working with Government to develop such measures. These can be introduced after 2016/7 as the approach develops and subject to the usual consultation and testing.

16. When levels of ambition are set it will be clear how much money localities will receive for different levels of performance. In the event that the agreed levels of performance are not achieved, there will be a process of peer review, facilitated by NHS England and the LGA, to avoid large financial penalties which could impact on the quality of service provided to local people. The funding will remain allocated for the benefit of local patients and residents and the arrangements for commissioning services will be reconsidered.

Does the fund require a change in statutory framework?

17. The Department of Health is considering what legislation may be necessary to establish the Integrated Transformation Fund, including arrangements to create the pooled budgets and the payment for performance framework. Government officials are exploring options for laying any required legislation in the Care Bill. Further details will be made available in due course. The wider powers to use Health Act flexibilities to pool funds, share information and staff are unaffected and will be helpful in taking this work forward.

How should councils and CCGs develop and agree a joint plan for the fund?

18. Each upper tier Health and Wellbeing Board will sign off the plan for its constituent local authorities and CCGs. The specific priorities and performance goals are clearly a matter for each locality but it will be valuable to be able to:

- Aggregate the ambitions set for the fund across all Health and Wellbeing Boards;

- Assure that the national conditions have been achieved; and
- Understand the performance goals and payment regimes have been agreed in each area.

19. To assist Health and Wellbeing Boards we have developed a draft template which we expect everyone to use in developing, agreeing and publishing their integration plan. This is attached as a separate Excel spread sheet.

20. The template sets out the key information and metrics that all Health and Wellbeing Boards will need to assure themselves that the plan addresses the conditions of the ITF. We strongly encourage Councils and CCGs to make immediate use of this template while awaiting further guidance on NHS planning and financial allocations.

21. Local areas will be asked to provide an agreed shared risk register, with agreed risk sharing and mitigation covering, as a minimum, steps that will be taken if activity volumes do not change as planned. For example if emergency admissions increase or nursing home admissions increase.

What are the National Conditions?

22. The Spending Review established six national conditions:

National Condition	Definition
Plans to be jointly agreed	<p>The Integration Plan covering a minimum of the pooled fund specified in the Spending Review, and potentially extending to the totality of the health and care spend in the Health and Wellbeing Board area, should be signed off by the Health and Well Being Board itself, and by the constituent Councils and Clinical Commissioning Groups.</p> <p>In agreeing the plan, CCGs and Local Authorities should engage with all providers likely to be affected by the use of the fund in order to achieve the best outcomes for local people. They should develop a shared view of the future shape of services. This should include an assessment of future capacity requirements across the system. The implications for local providers should be set out clearly for Health and Wellbeing Boards so that their agreement for the deployment of the fund includes recognition of the service change consequences.</p>
Protection for social care services (not spending)	<p>Local areas must include an explanation of how local social care services will be protected within their plans. The definition of protecting services is to be agreed locally. It should be consistent with the 2012 Department of Health guidance referred to in paragraphs 2 to 6,</p>

National Condition	Definition
	above.
<p>As part of agreed local plans, 7-day services in health and social care to support patients being discharged and prevent unnecessary admissions at weekends</p>	<p>Local areas are asked to confirm how their plans will provide 7-day services to support patients being discharged and prevent unnecessary admissions at weekends. If they are not able to provide such plans, they must explain why. There will not be a nationally defined level of 7-day services to be provided. This will be for local determination and agreement.</p> <p>There is clear evidence that many patients are not discharged from hospital at weekends when they are clinically fit to be discharged because the supporting services are not available to facilitate it. The forthcoming national review of urgent and emergency care sponsored by Sir Bruce Keogh for NHS England will provide guidance on establishing effective 7-day services within existing resources.</p>
<p>Better data sharing between health and social care, based on the NHS number</p>	<p>The safe, secure sharing of data in the best interests of people who use care and support is essential to the provision of safe, seamless care. The use of the NHS number as a primary identifier is an important element of this, as is progress towards systems and processes that allow the safe and timely sharing of information. It is also vital that the right cultures, behaviours and leadership are demonstrated locally, fostering a culture of secure, lawful and appropriate sharing of data to support better care.</p> <p>Local areas will be asked to:</p> <ul style="list-style-type: none"> • confirm that they are using the NHS Number as the primary identifier for health and care services, and if they are not, when they plan to; • confirm that they are pursuing open APIs (ie. systems that speak to each other); and • ensure they have the appropriate Information Governance controls in place for information sharing in line with Caldicott 2, and if not, when they plan for it to be in place. <p>NHS England has already produced guidance that relates to both of these areas, and will make this available alongside the planning template. (It is recognised that progress on this issue will require the resolution of some Information Governance issues by the Department of Health).</p>

National Condition	Definition
Ensure a joint approach to assessments and care planning and ensure that, where funding is used for integrated packages of care, there will be an accountable professional	Local areas will be asked to identify which proportion of their population will be receiving case management and a lead accountable professional, and which proportions will be receiving self-management help - following the principles of person-centred care planning.
Agreement on the consequential impact of changes in the acute sector	Local areas will be asked to identify, provider-by-provider, what the impact will be in their local area. Assurance will also be sought on public and patient engagement in this planning, as well as plans for political buy-in.

How will preparation and plans be assured?

23. Ministers will wish to be assured that the ITF is being used for the intended purpose, and that the local plans credibly set out how improved outcomes and wellbeing for people will be achieved, with effective protection of social care and integrated activity to reduce emergency and urgent health demand.
24. To maximise our collective capacity to achieve these outcomes and deliver sustainable services we will have a shared approach to supporting local areas and assuring plans. This process will be aligned as closely as possible to the existing NHS planning rounds, and CCGs can work with their Area Teams to develop their ITF plans alongside their other planning requirements.
25. We will establish in each region a lead local authority Chief Executive who will work with the Area and Regional Teams, Councils, ADASS branches, DPHs and other interested parties to identify how Health and Wellbeing Boards can support one another and work collaboratively to develop good local plans and delivery arrangements.
26. Where issues are identified, these will be shared locally for resolution and also nationally through the Health Transformation Task Group hosted by LGA, so that the national partners can broker advice, guidance and support to local Health and Well Being Boards, and link the ITF planning to other national programmes including the Health and Care Integration Pioneers and the Health and Well Being Board Peer Challenge programme. We will have a first review of readiness in early November 2013.
27. We will ask Health and Well Being Boards to return the completed planning template (draft attached) by 15 February 2014, so that we can aggregate them to provide a composite report, and identify any areas where it has proved challenging to agree plans for the ITF.

Integration Transformation Fund

Draft Plan Submission Template

Local Authority

<Name of Local Authority>

Clinical Commissioning Groups

<CCG Name/s>

<CCG Name/s>

<CCG Name/s>

<CCG Name/s>

<CCG Name/s>

Boundary Differences

<Identify any differences between LA and CCG boundaries and how these have been addressed in the plan>

Date agreed at Health and Well-Being Board:

<dd/mm/yyyy>

Date submitted:

<dd/mm/yyyy>

Minimum required value of ITF pooled budget: 2014/15

£0.00

2015/16

£0.00

Total agreed value of pooled budget: 2014/15

£0.00

2015/16

£0.00

Authorisation and Sign Off

Signed on behalf of the Clinical Commissioning Group	<Name of ccg>
By	<Name of Signatory>
Position	<Job Title>
date	<date>

Signed on behalf of the Clinical Commissioning Group	
By	<Name of Signatory>
Position	<Job Title>
date	<date>

<Insert extra rows for additional CCGs as required>

Signed on behalf of the Local Authority	
By	<Name of Signatory>
Position	<Job Title>
date	<date>

Signed on behalf of the Health & Wellbeing Board	
By Chair of the HWB:	<Name of Signatory>
Position	<Job Title>
date	<date>

Service provider engagement

Please describe how health and social care providers have been involved in the development of this pla, and the extent to which they are party to it

Patient, service user and public engagement

Please describe how patients, services users and the public have been involved in the development of this plan, and the extent to which they are party to it

Related documentation

Please include information/links to any related documents such as the full project plan for the scheme, and documents related to each national condition

Vision for Health and Care Services

Please describe the vision for health and social care services for this community for 2018/19.

- What changes will have been delivered in the pattern and configuration of services over the next five years?*
- What difference will this make to patient and service user outcomes?*

Integration Aims & Objectives

Please describe your overall aims and objectives for integrated care and provide information on how the integration transformation fund will secure improved outcomes in health and care in your area. Suggested points to cover:

- What are the aims and objectives of your integrated system?*
- How will you measure these aims and objectives?*
- What measures of health gain will you apply to your population?*

Description of Planned Changes

Please provide an overview of the schemes and changes covered by your joint work programme, including:

- 1. The key success factors including an outline of processes, end points and time frames for delivery*
- 2. How you will ensure other related activity will align, including the JSNA, JHWS, CCG commissioning plan/s and Local Authority plan/s for social care*

Implications for the Acute Sector

Set out the implications of the plan on the delivery of NHS services including clearly identifying where any NHS savings will be realised and the risk of the savings not being realised. You must clearly quantify the impact on NHS service delivery targets including in the scenario of the required savings not materialising. The details of this response must be developed with the relevant NHS providers.

Governance

Please provide details of the arrangements are in place for oversight and governance for progress and outcomes

National Conditions

1 Protecting social care services

Please outline your agreed local definition of protecting social care services.

Please explain how local social care services will be protected within your plans.

2 7-day services to support discharge

Please provide evidence of strategic commitment to providing seven-day health and social care services across the local health economy at a joint leadership level (Joint Health and Wellbeing Strategy)

Please describe your agreed local plans for implementing seven day services in health and social care to support patients being discharged and prevent unnecessary admissions at weekends.

3 Data-sharing

Please confirm that you are using the NHS Number as the primary identifier for correspondence across all health and care services.

If you are not currently using the NHS Number as primary identifier for correspondence please confirm your commitment that this will be in place and when by

Please confirm that you are committed to adopting systems that are based upon Open APIs and Open Standards (i.e. secure email standards, interoperability standards (ITK))

Please confirm that you are committed to ensuring that the appropriate IG Controls will be in place. These will need to cover NHS Standard Contract requirements, IG Toolkit requirements , professional clinical practise and in particular requirements set out in Caldicott2.

4 Joint-assessments and accountable lead professional

Please confirm that local people at high risk of hospital admission have an agreed accountable lead professional and that health and social care use a joint process to assess risk, plan care and allocate a lead professional.

Please specify what proportion of the adult population are identified as at high risk of hospital admission, what approach to risk stratification you have used to identify them, and what proportion of individuals at risk have a joint care plan and accountable professional.

Outcomes and metrics

Please provide details of the expected outcomes and benefits of the scheme and how these will be measured.

--

Outcome measures- Examples only	Current Baseline (as at....)	14/15 Projected delivery (full year?)	15/16 Projected delivery (full year?)
<i>Delayed transfers of care</i>			
<i>Emergency admissions</i>			
<i>Effectiveness of reablement</i>			
<i>Admissions to residential and nursing care</i>			
<i>Patient and service-user experience</i>			
<Local measure>			
<Local measure>			
<Local measure>			

Finance

Please summarize the total health and care spend for each commissioner in your area. Please

Organisation	2013/14 spend	2013/14 benefits	2014/15 spend	2014/15 benefits	2015/16 spend	
Local Authority Social Services						
CCG						
Primary Care						
Specialised commissioning						
Local Authority Public Health						
Total						

Please summarize where your pooled budget will be spent. NB the total must be equal to or more than your total ITF allocation

ITF Investment	2014/15 spend	2014/15 benefits	2015/16 spend	2015/16 benefits
Scheme 1				
Scheme 2				
Scheme 3				
Scheme 4				
Scheme 5				
Total				

Approximately 25% of the ITF is paid for improving outcomes. If the planned improvements are not achieved, some of this funding may need to be used to alleviate the pressure on other services. Please outline your plan for maintaining services if planned improvements are not achieved.

--

Contingency plan:		2015/16	Ongoing
Outcome 1	Planned savings (if targets fully		
	Maximum support needed for other		
Outcome 2	Planned savings (if targets fully		
	Maximum support needed for other		

Key Risks

Please provide details of the most important risks and your plans to mitigate them. This should include risks associated with the impact on NHS service providers

Risk	Risk Rating	Mitigating Actions
Risk 1		
Risk 2		
Risk 3		
Risk4		

TELFORD & WREKIN COUNCIL

CABINET – 12TH DECEMBER 2013

REVIEW OF ADULT CARE AND SUPPORT COMMUNITY CARE AND ASSESSMENT, REVIEW AND ELIGIBILITY POLICIES

REPORT OF INTERIM DIRECTOR HEALTH, WELLBEING AND CARE

LEAD CABINET MEMBER – CLLR ARNOLD ENGLAND

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.1 This report seeks approval to the reviewed Adult Care and Support Policies listed below, in conjunction with the agreement and implementation of the Resource Allocation System:

- Community Care Policy, Appendix A
- Assessment, Review and Eligibility Policy, Appendix B

1.2 Fundamental to delivering the personalisation agenda and taking forward savings in adult social care is the introduction of Personal Budgets for all service users in receipt of community care funding, calculated through a Resource Allocation System (RAS) embedded in the assessment form. This will ensure that there is a fair and equitable system in place, and avoid a chance of judicial review, so that people with the same level of need receive an equal level of resource which is sufficient to meet their eligible, unmet needs. The Council purchased the system last year, with Council approval, which has been tested. We now need to move forward as soon as is practical to use it as an integral part of our community care process. This will be for all new cases and on a phased basis in line with Review and unscheduled Review timescales for all existing users, as recommended by the recent Peer Challenge.

1.3 Use of a RAS based system for allocation of personal budgets will require a revision of existing Community Care Policies to be agreed by Council.

2. RECOMMENDATIONS

2.1 that Cabinet approve the amended Policies (Appendices A and B);

2.2 that Cabinet approve the implementation of the Resource Allocation System from January 2014.

SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>Vulnerable Children and Adults Health and Wellbeing</i>
	Will the proposals impact on specific groups of people?	
	Yes	<i>Will impact on people who are ill or disabled, who need support and on their family carers</i>
TARGET COMPLETION/DELIVERY DATE	<i>Implementation from January 2014</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>The Care and Support Service Area faces significant financial challenges going forward. The Personalisation Transformation Plan and the Financial Improvement Plan are key to addressing these challenges and it is vital that the actions within these plans are delivered. The Service is required to address a savings requirement, against current spending, of approximately £10m by 2015/16.</p> <p>One of the key actions in both plans is the implementation of the Resource Allocation System to introduce personal budgets. The personalisation approach is evidenced to cost less money so delivering savings. Any delay in the RAS's implementation may delay the achievement of savings.</p> <p>The Policies detailed within this report are key to the timely implementation of the Personalisation Agenda and the RAS.</p>
LEGAL ISSUES	Yes	<p>The reviewed Adult Social Care Outcomes Framework 2014 / 2015 was published on 11 November 2013 and is the Department of Health's main tool for setting direction and strengthening transparency in adult social care.</p> <p>Until the Care Bill receives Royal Assent and comes into force, the current legislation regulations and statutory guidance continue to apply in respect of community care assessment, eligibility and charging for services.</p> <p>The Care Bill is next due to be considered at second reading in the House of Commons on a date yet to be confirmed.</p>

		<p>Once in force , the Act will be accompanied by relevant Statutory Instruments and Guidance.</p> <p>“Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care -</p> <p>Guidance on Eligibility Criteria for Adult Social Care, England 2010” updated “ Fair Access to Care Services :guidance on eligibility criteria for adult social care” [2003] and enables resources to be allocated fairly transparently and consistently upon assessment under the relevant community care legislation.</p> <p>Guidance upon The National framework for NHS continuing healthcare and NHS funded nursing care was published on 28 November 2012 and was updated on 1 November 2013.</p> <p>Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives councils a discretionary power to charge adult recipients of certain non-residential services and to recover such charges as they consider reasonable.</p> <p>Section 22 of the National Assistance Act 1948 requires a person to be charged for accommodation provided under Part 3 of the 1948 Act.</p> <p>The National Assistance (Assessment of Resources) Regulations 1992 further define how the persons ability to pay is assessed.</p> <p>Local Authority Circular(DH)(2013)02: Charging for residential and non-residential social care was published on 24 June 2013 and at the same time the revised CRAG Charging for Residential Accommodation Guide and “Fairer Charging Policies for Home Care and other non-residential Social Services” Guidance were published. These documents were issued under section 7(1) of the Local Authority Social Services Act 1970 which requires local authorities to act under the general guidance of the Secretary of State in the exercise of their social services functions.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	<i>Borough-wide impact.</i>

PART B) – ADDITIONAL INFORMATION

3. INFORMATION

- 3.1 Adult Care and Support undertook a major service review and restructure which was implemented in April 2012 in order to deliver more personalised and efficient services.
- 3.2 This report seeks approval to the reviewed Adult Care and Support Policies listed below, following the implementation of the Resource Allocation System, to introduce personal budgets:
- Community Care Policy, Appendix A
 - Assessment, Review and Eligibility Policy, Appendix B
- 3.3 The background to this is the national expectation on local government to introduce more personalised approaches to the delivery of community care services for adults. Personalised approaches are evidenced as providing better outcomes for service users as well as costing less money. This approach will be embedded in legislation once the Care Bill, currently passing through Parliament, becomes law.
- 3.4 One of the fundamental principals underpinning personalisation is the need to have a Resource Allocation System (RAS) electronically built into the assessment process. This ensures a more consistent and therefore fairer allocation of resources based on assessed unmet need. Another is the promotion of a needs and outcomes based approach to community care, by bringing the allocation of a personal budget forward within the community care process. Individuals who are eligible for funding support are told what their indicative personal budget will be much earlier in the process than they currently are and before we help them consider how their needs can best be met through the support planning process. This promotes a needs and outcomes based approach as opposed to a service led approach.
- 3.5 To underpin this approach we have had to review our existing Community Care Policies and seek approval to the following:

3.6 **Community Care Policy**

This policy explains the Council's over arching approach to the delivery of Community Care services as laid down by the NHS & Community Care Act 1990 and other relevant legislation. It also sets out our approach to meeting the recommendations and principles set out in the Think Local, Act Personal guidance for Transforming Adult Social Care and the Government White Paper. This Policy is an overarching statement relevant to all of Adult Social Services. See Appendix A for further details.

3.7 **Assessment, Review and Eligibility Policy**

The Council aims to deliver a personalised and flexible approach to support alongside delivering community care responsibility in a fair, equitable and transparent way to all residents across the borough. The Council has a duty to facilitate the provision of social care services to those residents who qualify

under its eligibility criteria. This policy sets out the Council's approach to assessment, determining eligibility, reassessment and review in respect of community care. See Appendix B for further details.

3.8 Resource Allocation System (RAS)

The Resource Allocation System (RAS) is the system by which resources will be allocated to service users with assessed eligible unmet needs and is integrated into the Community Care Assessment. The RAS will provide an indicative resource allocation; this is an indication at an early stage of the Community Care process of how much money it is likely to cost an individual to get the support they need to meet their unmet eligible needs. The final allocation amount or 'Personal Budget' is agreed as part of the Support Planning process. The RAS enables available Council Adult Social Care resources to be allocated fairly, and services delivered, in a consistent and transparent way. See Appendix B for further detail.

The procurement of RAS was approved by Cabinet at their meeting on 25th January 2011. Following a period of testing, the procured system has been embedded electronically into our assessment document and it is planned to use this system to allocate all personal budgets from January 2014.

It is worth noting that for existing clients, when their care package is reviewed using the RAS, the indicative budget may be less than the current care package. This will have to be managed sensitively and through a period of transition. Of course, it may also be the case that in following some reviews using the RAS, the indicative budget may be more than the current care package. In these circumstances robust Support Planning will manage this differential.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

n/a

5. PREVIOUS MINUTES

- 5.1 Cabinet 25th January 2011, Procurement of a Resource Allocation System
- 5.2 Cabinet 28th February 2013, Appendix 12b Adult Care and Support Community Care Policy and Procedure

6. BACKGROUND PAPERS

- 6.1 The Care Bill
- 6.2 Care and Support White Paper – HM Government, 11 July 2012

**Report prepared by Clare Hall-Salter, Service Delivery Manager:
Transformation, Personalisation and Integration Telephone: 01952 382016 and
Paul Taylor, Interim Director Health, Wellbeing and Care Telephone 01952
381200**

Appendix A

Adult Care & Support Community Care Policy

November 2013

Our Vision for Adult Care & Support Services is:

We realise that people want to be as independent as possible and to feel safe. Sometimes people need extra support and when they do we will:

- provide you with information and advice to help yourself
- help you to regain skills you may have lost and to develop new ones
- help you to have choice and control over the support you need

1. POLICY STATEMENT

- This policy explains the Council's approach to the delivery of Community Care Services and an overarching statement relevant to all of Adult Care & Support Services as laid down by the NHS & Community Care Act 1990 and other relevant legislation. It also sets out our approach to meeting the recommendations and principles set out in the Think Local, Act Personal guidance for Transforming Adult Social Care. It explains in general terms the approach taken by the Council to meet the objectives laid down for Social Services by the Department of Health (DoH) in respect of services for adults within Caring for Our Future, Think Local, Act Personal and the wider Personalisation agenda.
- The Council has other Social Services responsibilities to adults that can run separately or in parallel to its community care responsibilities, including the commissioning of services, the protection of vulnerable adults (see Adult Safeguarding, Mental Capacity and Deprivation of Liberty Safeguards policies), services for carers (see Carers policy), the delivery of mental health services (see Joint Policies produced by the Partnership Policy Committee), delivery of Drug and Alcohol Recovery Services (DARS), Continuing Health Care (CHC) arrangements, financial assessment & charging, the delivery of Supporting People Services and delivery of transition services for young people from the age of 14 prior to moving into adult services at the age of 18.
- A range of other policies & procedures flow out of this policy and are either part of the Community Care process or are standalone policies and procedures. Although these sit outside of the community care process, they do, and will continue to contribute to the community care process where an individual's needs are assessed as requiring input from these services e.g. Drug & Alcohol Recovery Services

- The Government White paper 'Caring For Our Future: Reforming Care and Support' published in July 2012 supports the approach set out within this policy with the key principles of :-
 - **Health, wellbeing, independence and rights** so that individuals are at the heart of care and support including timely and effective interventions
 - People are treated with **dignity and respect** and are safe from abuse and neglect
 - **Personalisation** is achieved where individuals have real choice and control over the care and support they need to achieve their goals
 - **Skills, resources and networks** in every community are harnessed and strengthened to support people to live well and contribute to their communities where they can
 - **Carers** are recognised for their contribution to society and are supported to reach their full potential
 - A **caring, skilled and valued workforce** delivering care and support in partnership with individuals, families and communities

- A comprehensive modernisation of care and support law is proposed by the Care Bill. Therefore, an unscheduled review of this policy will be undertaken to take account of any significant changes emerging from these developments over the coming months.

2. PURPOSE OF THE POLICY

2.1 This policy sets out a high level overview of the community care process which has recently been reviewed and updated with a focus on delivering preventative services to ensure individual's needs do not escalate unnecessarily to on-going, high level support needs. This demonstrates the Councils shift in focus to enabling as many people as possible to live independently, stay active and healthy with an active involvement in their communities for longer, and delaying or avoiding the need for targeted services whilst ensuring that those individuals who do need targeted support are given the appropriate information, means and confidence to direct their own support. For most people, enablement will be a key process to determine what on going support needs are required. **Where people choose not to engage with the enablement process, on going services will not normally be provided by the council.**

2.2 Telford and Wrekin endorse the key principles set out in the Government Vision For Social Care document required for a modern social care system and the following key themes highlighted in the 'Making It Real' and the Government White Paper 'Caring for Our Future' - it is these principles which underpin our overall approach:-

1. **Information & Advice** – access to easy to understand, consistent, accurate and up to date information in order that individuals feel able to make well informed decisions and enabling individuals to help themselves
2. **Active and Supportive Communities** – access to a range of support networks including carers, family, friends and the wider community to help them live the life they want and continue to be a contributing member of society
3. **Flexible and Integrated Care & Support** – ability to exercise maximum choice over how they are supported
4. **Workforce** – support is delivered by a competent workforce
5. **Risk Enablement** – supported to manage risks and plan for crisis before it occurs whilst maintaining choice and independence
6. **Personal Budgets and Self Funding** – Individuals know the amount of money available to them and can determine how this is used, with support where necessary, regardless of the source of funding or whether the individual pays for their own services in full.

2.3 In following these principles, the Council aims to:-

- Secure greater co-operation and better use of **resources** across public services to improve individuals and their families' experiences. This includes housing, leisure, culture, transport, health, welfare benefits, employment support, social care and community safety throughout the community care process and in particular as part of the 'My Community' aspect of the service delivery model and community care process (see Appendix 1).
- As a Co-operative Council, we will encourage and help local communities, groups and external providers to work in **partnership** with us to provide networks of support, to help people improve their health and well-being, and to reduce their need for more acute care and health services
- Actively **involve** people, carers, families and communities in the design, development, delivery and review of innovative care and support arrangements to maximise choice and independence and utilise the widest range of resources
- Ensure that the general public, service users, carers and their families have the **information and advice** they need to make informed care and support decisions which work for them, regardless of who is paying for the care. This includes helping them to make the best use of their own resources to support their independence and reduce their need for long-term care. Information and advice can also be accessed via the Telford & Wrekin Adult Care & Support website: <http://telford.mylifeportal.co.uk/home/DefaultAlt2.aspx>
- Provide everyone who may need to access social services the opportunity to receive **Reablement & Prevention services** according to their need. This may be from a few days up to a maximum of 28 days free of charge, in order that they can receive short term support with the aim of maintaining their own independence in the long term and preventing their needs escalating to the point of requiring acute or on-going services
- Ensure that access to **low level and preventative services** is easily accessible without the need for assessment wherever possible.
- Facilitate a broad range of **choice** in the local care and support market, including housing options, and personalise the way in which care and support services are delivered wherever people live

- Wherever possible, individuals are given **choice and control** on how their finances are managed as well as receiving transparent information in relation to their financial contributions and the cost of services, allowing real choice and control over their services and finances whilst ensuring the maximum use of benefits to meet eligible care needs.
- Ensure those people eligible for ongoing council social care funding, following an assessment using the use of the resource allocation system (RAS), receive a **personal budget** (either as a direct payment or a managed account or a combination) allowing them to exercise the same amount of choice and control as those who pay for their own care.
- It should however be noted that the Council aims to secure the most cost effective package of services that meets the users needs whilst taking account of service user preferences wherever possible. This must be within available resources which may sometimes involve difficult decisions where a balance has to be struck between meeting identified needs within available resources and meeting the care preferences of the individual service user. Although each individual's circumstances will be considered on a case by case basis, the following principle will be applied:-

The maximum cost to Telford & Wrekin Council for community based care packages should in all but exceptional cases, be no more than the cost of a care home placement per week to Telford & Wrekin Council (excluding Funded Nursing Care or other NHS contribution)

Where an individual who is subject to the above principle wishes to remain in the community but they or their family does not want to top up the care package to the level of that recommended as result of the assessment, a risk assessment must be carried out to ensure we do not fund or part fund a care package that puts the service user or care staff at an unacceptable risk (please refer to our risk assessment policy and procedure).

It is recognised that there may be exceptional circumstances where alternatives will be considered but this must be agreed by the budget holder. Social Services reserve the right to review all care packages and provide a cheaper alternative so long as this will continue to meet the needs of the service user.

- Enable individuals who pay for their own care (self funders & maximum client contribution) to have access to the services described in this policy though there may be a charge made for these services depending on individual circumstances (see guiding principles above).

These key principles underpin our Personalisation operating model (Appendix 1) which was developed in conjunction with service users as part of our Personalisation programme and forms the basis of this policy and associated procedure.

2.4 How will we meet these objectives?

Our approach has an emphasis on effective prevention and intervention with a greater focus on enabling self-help and self service for those individuals who are able to do so. Where long-term support is required, the Council will aim to deliver it in a way that is cost effective and will enable the people who use services to remain in their home, wherever possible.

The process that community care services are delivered through is known as, the “Community Care Process”. There are a number of stages in this process. Operational policies and procedures apply to each of these stages.

The list below highlights the key stages of the community care process as well as which team/s are responsible for each stage. However, it should be noted that not everyone will pass through every stage and neither will the stages necessarily occur in this order as this will very much depend on the individual’s needs and circumstances:-

1. **Information and advice** and community support planning (delivered by the wider community, Access Team and wider Council Services e.g. First Point, Customer Services etc)
<http://telford.mylifeportal.co.uk/home/DefaultAlt2.aspx>
2. **Referral and access** (delivered by the Access Team and the Home From Hospital Team)
3. **Financial assessment and eligibility** (Financial Case Management Team)
4. **Reablement and prevention** (delivered by the Reablement & Prevention Teams)
5. **Needs Assessment and eligibility** (undertaken by the Assessment & Case Management Teams)
6. **Personal Budget Support; support planning and brokerage** (delivered by the Personal Budget Support Team (PBS) and Assessment & Case Management Teams)
7. **On-going care and review** (undertaken by the Assessment & Case Management Teams)

3. POLICY INFORMATION

3.1 Who does the policy apply to?

- This policy applies to all Adult Care & Support Services.
- Telford and Wrekin Council is the Authority responsible for the delivery of community care services for adults (people aged 18 years and over) normally resident in the Borough.
- The following people may require community care support as a result of illness, frailty or substantial disability:

- Older People (65 years +)
- People with a Physical Disability
- People with a Sensory Disability
- People with a Learning Disability
- People who have mental health problems
- People who have problems resulting from excessive misuse of drugs and/or alcohol
- Young people in transition who will bring community care needs into adulthood
- Carers
- Children who are carers of adults

4. POLICY IMPLICATIONS

4.1 Legal Implications

This policy outlines the Authority's obligations for provision of social services in line with the NHS & Community Care Act 1990 and other relevant legislation. It is recognised that the Government's draft Care Bill may place further/amended obligations on Local Authorities in due course. Once this is finalised, this policy will be amended accordingly.

4.2 Finance and Value for Money Implications

The aim of this procedure is to reduce individuals' need for high level intensive care and support (which can be high in cost) by providing preventative services which aim to rehabilitate and reable the individual to live independently wherever possible and avoid their care needs escalating to high dependency care. Although this may result in a reduction in the use of high intensity, expensive care packages, the anticipated savings are being re-diverted into investing in the Authority's Reablement and Preventative services as well as into community developments and encouraging/enabling development of support mechanisms within the community.

4.3 Economic Impact

It is anticipated that the personalised approach being implemented via the Community Care process will ensure that each individual is able to continue to play an active part in their own community as well as achieving their own personal goals and outcomes which for those of working age, may include gaining employment or training which in turn will support and develop their own local community and economy.

In order to provide a wide range of services which allow a flexible approach to meeting individuals' needs, the Council is committed as part of its Co-operative Council approach to investing in, encouraging and shaping a varied market of providers including smaller social enterprises in order to meet the needs of the community as a whole.

4.4 Environmental Impact

There are no environmental impacts associated with this policy.

4.5 Other Impacts

There are no other impacts associated with this policy.

5. CROSS REFERENCE INFORMATION

5.1 Standards

- General Social Care Council (GSCC) Codes of Practice see the following link:
<http://www.gsccl.org.uk/codes/Get+copies+of+our+codes>

5.2 Legislation

Assessment

- National Health Service & Community Care Act 1990
<http://www.legislation.gov.uk/ukpga/1990/19/contents>
- Disabled Persons (Services Consultation and Representation) Act 1986
<http://www.legislation.gov.uk/ukpga/1986/33>
- Mental Health Act 1983
http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH_4002034
- Mental Capacity Act 2005 <http://www.legislation.gov.uk/ukpga/2005/9/contents>

Carers

- Carers (Recognition and Services) Act 1995
<http://www.legislation.gov.uk/ukpga/1995/12/contents>
- Carers (Equal Opportunities) Act 2004
<http://www.legislation.gov.uk/ukpga/2004/15/contents>

Service provision

- Disabled persons (Employment) Act 1944
<http://www.legislation.gov.uk/ukpga/Geo6/7-8/10>
- National Assistance Act 1948 <http://www.legislation.gov.uk/ukpga/Geo6/11-12/29>
- Health Service and Public Health Act 1968
<http://www.legislation.gov.uk/ukpga/1968/46>
- Chronically Sick and Disabled Persons Act 1970
<http://www.legislation.gov.uk/ukpga/1970/44>
- National Health Service Act 2006 <http://www.legislation.gov.uk/ukpga/1977/49> -
- Health and Social Services and Social Security Adjudications Act 1983
<http://www.legislation.gov.uk/ukpga/1983/41>

- Community Care (Direct Payments) Act 1996
<http://www.legislation.gov.uk/ukpga/1996/30/contents>
- Health and Social Care Act 2012
<http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted>
- LAC (2002) 13 - Fair Access to Care Services – guidance on eligibility criteria for adult social care
http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Localauthoritysocialservicesletters/DH_4004734

5.3 Systems Implications

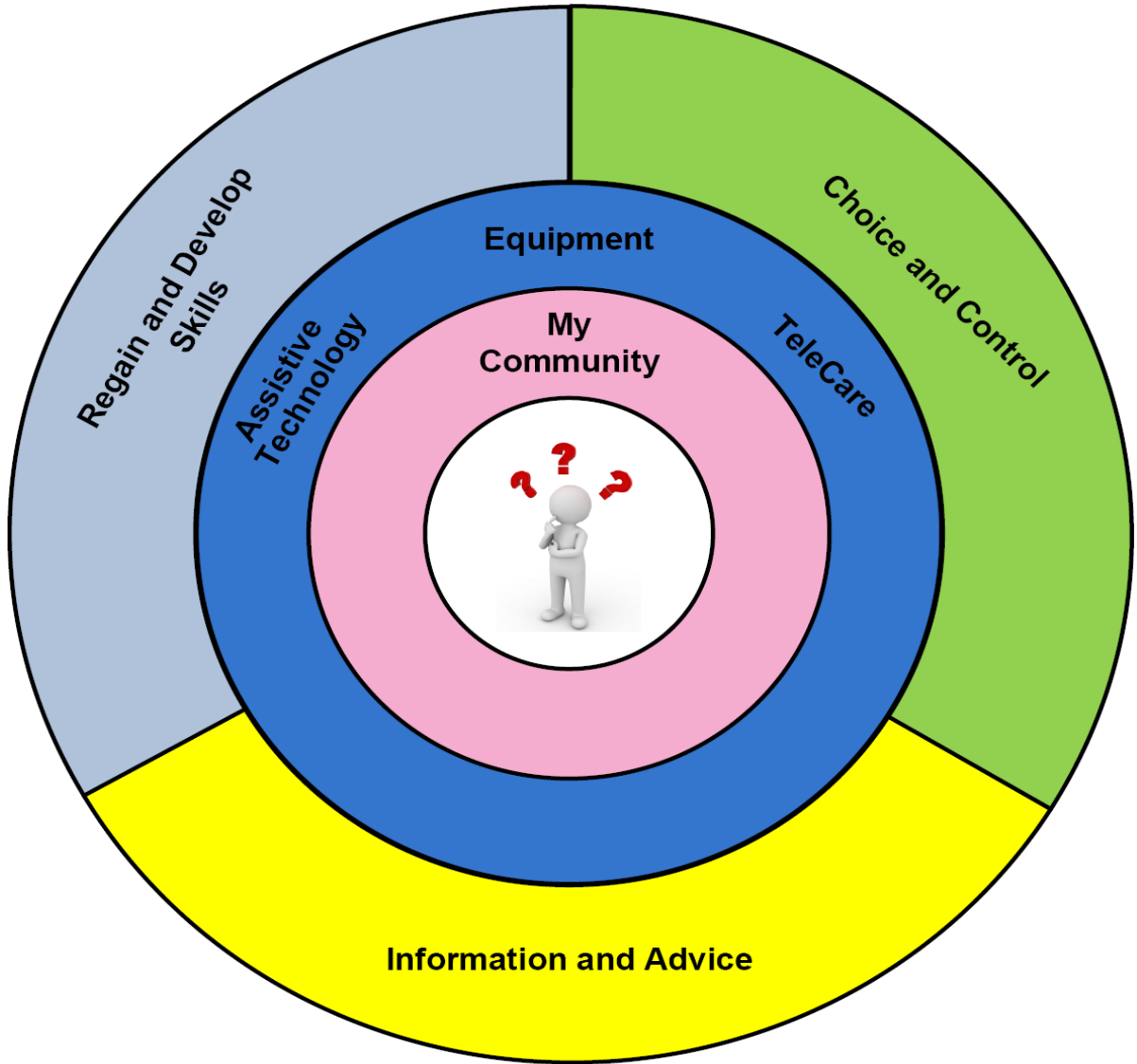
Please refer to the CareFirst user guide for guidance on recording the Community Care process onto the CareFirst system. Also refer to the CareAssess guidance when recording on CareAssess. All information and guidance relating to Adult Social Services Systems can be found on the following intranet page:-

<http://ecouncil/AdultSocialCareDelivery/AdultSocialCareSystems/Pages/default.aspx>

5.4 Other Relevant Documents

- Adult Care & Support Directory
http://www.telford.gov.uk/info/100010/health_and_social_care/1160/adult_care_and_support_directory
- Making It real
http://www.thinklocalactpersonal.org.uk/_library/Resources/Personalisation/TLAP/MakingItReal.pdf
- Think Local Act Personal
http://www.thinklocalactpersonal.org.uk/_library/PPF/NCAS/Partnership_agreement_easy_read_1_November_2010.pdf
- Caring for our Future White Paper
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@pg/documents/digitalasset/dh_130455.pdf
- The Commission on Funding of Care and Support
<http://www.dilnotcommission.dh.gov.uk/our-report/>
- A Vision for Adult Social Care: Capable Communities and Active Citizens
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_121971.pdf
- Care and Support Bill – HM Government, 11 July 2012
<http://www.dh.gov.uk/health/2012/07/careandsupportwhitepaper/>

Adult Care and Support Operating Model		
	26-11-13	



Appendix B

Adult Care & Support Assessment, Review and Eligibility Policy

November 2013

1. Policy Statement

Telford & Wrekin Council aims to deliver a personalised and flexible approach to support alongside delivering Community Care responsibility in a fair, equitable and transparent way to all residing in Telford & Wrekin, with the focus on putting the person at the centre of the service. The Council has a duty to facilitate the provision of Adult Care & Support Services to those residents who qualify under its eligibility criteria.

This policy applies to those individuals eligible for support from the Council following a co-produced assessment. Individuals with assessed eligible unmet needs will be allocated a personal budget which will enable them to meet those needs in accordance with a validated Support Plan. Adult Care & Support Services aim is for all assessments to be co-produced with the service user.

The Resource Allocation System (RAS) is the system by which resources will be allocated to service users with assessed eligible unmet needs and is integrated into the Community Care Assessment (My Assessment & My Review). The RAS will provide an indicative resource allocation; this will give the service user an early indication of how much money it is likely to cost them to get the support they need for their unmet eligible needs. The final allocation amount or 'Personal Budget' is agreed as part of the Support Planning process. It should be noted that in certain circumstances the person's indicative Personal Budget could be substantially different to the sum of money finally allocated.

2. Purpose of the Policy

The purpose of the Policy is to outline the assessment, review and eligibility processes which includes:

- The assessment process which is outcome focussed as opposed to needs led
- The different assessment tools which may be used such as the RAS and more specialist assessments such as Prevention, Enablement and Nursing assessments.
- The principles that will be adhered to when undertaking an assessment.

- The process for determining eligible need against Fair Access to Care Services criteria (FACS)
- Links with person centred Support Planning

The Policy will follow the guiding principles of:

- Putting the person at the centre of the assessment process ensuring that this is outcome focused and co-produced
- Ensuring that the Council is meeting the unmet eligible needs of service users by ensuring the RAS accords with FACS criteria.
- Allowing available resources to be fairly allocated in a transparent way to individuals on the basis of assessed unmet eligible needs, regardless of gender, age, ethnicity or impairment through the RAS.
- Enabling a personalised response to need by providing individuals with an Indicative Personal Budget within which they can plan to meet their assessed eligible unmet needs.
- Facilitating the Council to monitor and manage the resources available in accordance with its financial and budgetary responsibilities.
- Ensure the appropriate services and support is provided to people.
- Recognised that an individual's situation and circumstances may change over time and as such their care needs and the support they receive will need to be reviewed regularly.

3. Policy Information

This policy sets out:

- The levels of Assessment and Review
- Details the tools which will be used to assess and support an individual's social care needs
- How eligibility is determined
- Provides the framework for the way in which the RAS will allocate resources for service users to meet their eligible unmet needs.
- This policy should be read in conjunction with all Adult Care & Support Policies & Procedures for Community Care.

3.1 Service Specification Information

This policy describes an approach to Assessment and Review which is applicable across all care and support services. Although the same criteria and principles are applied across all services, the tools through which assessment information is collated differs from each service in order to collate the most relevant information for that service.

4. Assessment

Assessment is a service in its own right, even if no services are being provided to an individual. Therefore, the threshold for receiving an assessment is kept low. If in doubt, an assessment should always be offered/undertaken as enquiries/referrals cannot be taken at face value e.g. the needs that lie behind an initial request need to be explored to inform any decision being made about whether further assessment is required before any decisions are made. Undertaking an assessment is not a commitment by social services to providing or arranging Adult Care & Support Services but a means of collecting relevant information to inform a decision as to whether the individual does require any further services/assessments.

- An assessment should commence within 48 hours of receiving the referral or initial contact i.e. the date at which the person being referred/making the enquiry has been contacted directly by the Department either on the telephone or in person (in line with national standards).
- The assessor (regardless of which team) will work with the individual to establish clear expectations at the assessment/Review stage regarding the purpose of the assessment. The purpose is to establish an individual's key needs, outcomes as well as distinguishing between the 'presenting' needs and those needs which may be 'eligible' for funded community care services and/or intervention once the initial Reablement service has been provided

5. Assessment Principles

The following principles and approach should be followed by assessors regardless of what type of assessment/Review is being undertaken.

The assessor will need to explore with the person and their carer, if appropriate, the outcomes they want and any service to achieve this. Active partnership and co-production with the individual in the assessment process evidences good assessment practice.

Similarly, wherever an informal carer is identified, who provides or intends to provide a substantial amount of care on a regular and unpaid basis, should be involved in the assessment/Review process as much as possible. As such, through the assessment process individuals should:

- Maximise their network and informal support
- Gain a better understanding of their situation.
- Be able to identify the options that are available for managing their own lives.

- Be able to identify the outcomes required from any help that is provided.
- Gain an understanding of the basis on which decisions are reached.
- Co-produce their assessment

The assessment process should culminate in a description of unmet need – not a prescription for service. The level of risk to the person’s independence associated with each need should be explored in detail with the person to determine what the consequences would be if these needs were not met. This will determine eligibility for funded services/support. The assessment should be clearly recorded on the appropriate forms and held on the individual’s social care record.

The aim of assessment is to determine the best way to enable and empower individuals and their carers. Assessment is a co-produced evaluation of a person’s needs that identifies problems and objectives and incorporates all relevant viewpoints to determine how best those needs can be met.

6. Eligibility Criteria

Telford & Wrekin Care and Support services are required by law to make sure that people requesting social care help are measured against the Department of Health’s Fair Access to Care Services criteria (FACS). This is intended to ensure that we reach decisions in a fair, consistent and open way.

There are four possible levels of need.

- Critical
- Substantial
- Moderate
- low

The following four risk factors are considered as essential to maintaining independence:-

- Autonomy & freedom to make choices
- Health and safety including freedom from harm, abuse and neglect
- The ability to manage personal and other daily routines
- Involvement in family and wider community life, including leisure, hobbies, unpaid and paid work learning volunteering

With the exception of life threatening circumstances, there should be no hierarchy between these factors. In other words, ability to access employment should be viewed as being just as important as personal care needs with the person themselves determining where their own priorities lie.

Authorities may set their eligibility threshold in accordance within their resources. The threshold is reviewed annually. Telford & Wrekin currently provide

support/services for unmet Critical and Substantial Needs. Citizens with Low and Moderate needs are provided with advice and information or directed to other services. Where possible these low/moderate needs will be dealt with at point of Access with such services including low level preventative support or community meals, community alarms, assistive technology and equipment etc. Information and Advice is available on the MyLife website. Eligibility for adult social care must be established as a result of an assessment.

The decision on eligibility should be separate from the process to decide the indicative resource allocation (using the RAS). This is undertaken before agreeing the support plan, which will check to ensure that all eligible unmet needs are going to be met. The support /reablement plan is co-produced between T&W and the client, this will inform the creation of a Self Directed Support package which will identify how outcomes are to be met using personal budgets.

Once all relevant assessments have been undertaken, the assessor will need to determine whether the individual is eligible for funded Adult Care & Support Services from the Council against the eligibility framework.

An individual's eligibility will be determined and prioritised according to the seriousness of risks to the person's independence both in short and long term if their assessed needs are not addressed. The council has locally overlaid the RAS sections to FACS risks factor (see Appendix 1)

6.1 Determining Eligibility

Determining eligibility may be undertaken at various stages of the process depending on the individuals' needs and therefore their journey through the community care process. The application of the FACS criteria may be undertaken by Reablement and Prevention staff where an individual requires on-going support. This will usually be following their period of reablement. In order to ensure that community care services are delivered in a fair, equitable and transparent way, the Council will apply the FACS criteria to each individual case to determine whether they are eligible for social services.

In determining an individual's eligible needs the following will be completed:-

- Evaluation of all available assessment information
- Identify eligible needs as opposed to presenting needs (presenting needs are all those needs/problems being experienced by the individual. Eligible needs are those which are unmet and may require social care support that are above the Councils eligibility threshold).
- Determination of an "eligible need" as defined by the threshold set by the Council. The Council has a legal responsibility to provide a service to address the identified risks arising from eligible, unmet needs (including consideration of

continuing health care criteria and NHS responsibility for service provision). Options to meet these needs may not always require a Community Care funded service.

- An assessment of risk will be made in relation to each of the identified needs i.e. the extent to which the problem/issue poses a risk to the individual's independence. Each need will be allocated a risk banding – the highest of which will become the individuals overall band. In doing this, the practitioner should consider:
 - The instability and/or unpredictability of the needs;
 - The intensity of the needs and the level of distress they cause the person;
 - The complexity of the person's needs, in particular the number of different needs,
 - How they interact, and how the individual reacts to the difficulties facing them;
 - The impact of external and environmental factors;
 - The sustainability of support from family, wider community and other agencies.

6.2 When the Assessed Need is Below the Threshold

In some cases service provision may be made to individuals that have assessed needs that are below the threshold and will consider the provision of low intensity, preventative services in these cases. This is dependent upon available resources - the Council has no obligation to meet these needs.

If a person has social care needs which fall below the eligibility threshold which are not met they will be given information and advice about how they might access other forms of support. The Council needs to be satisfied that needs will not worsen or increase in the foreseeable future and bring that person back into eligibility because their independence has become undermined. This could include for example, involvement in employment, training & education and parenting responsibilities. If individuals need other services, they should be helped to find the right person to talk to in the relevant agency or organisation, and contact made on their behalf if necessary.

The decision about eligibility will be put in writing to the person and they should be told that if their circumstances change, they can be re-assessed. A contact number in the Council should be given. If the person is unhappy with the decision they should be invited to let the Council know with the intention of resolving the situation at the lowest level. They should also be made aware that they may use the complaints procedures to challenge decisions to withhold or withdraw services. They should be given the appropriate Council leaflet (Have Your Say) which includes information on available advocacy services.

6.3 When the Assessed need is above the Threshold

When it is clear that the individual's needs are above the Council's threshold (ie substantial or critical) then the individual will be offered help to find options to meet those needs and where they cannot be met in other ways, funded services by the relevant team. Although an individual is assessed as having needs above the threshold, the level of funding they may receive can only be determined by undertaking a financial assessment. The Financial assessment will be undertaken by the Financial Case Management Team – see Fairer Charging Policy and Financial Case Management Policy & Procedure.

In undertaking an assessment of eligibility, the following will be completed:-

- Evaluation of all available assessment information
- Determination of an “eligible need” as defined by the threshold set by the Council linked to RAS stages. The Council has a legal responsibility to provide a service to address the identified risks arising from eligible, unmet needs (including consideration of Continuing Health Care criteria and NHS responsibility for service provision). The Council will explore all Community based services before Community Care Funding is provided.
- For those needs falling below the threshold, the Council **may** provide a service subject to the availability of resources and will consider the provision of low intensity, preventative services via the Reablement and Prevention service.

7. Assessment Details: Assessment & Review

The Resource Allocation System (RAS) is the system by which resources will be allocated to service users with eligible unmet needs. It is a component of the Community Care Assessment. The RAS supports the overarching policy objectives of Personalisation which are to promote the independence, health and wellbeing of individuals while improving their choice and control over the support they receive. The community care process may be undertaken at various stages of the Adult Care & Support process depending on the individuals needs and therefore their journey through the community care process.

7.1 Resource Allocation System: Introduction

The Resource Allocation System enables available Council Adult Social Care resources to be allocated fairly, and services delivered, in a consistent and transparent way. The purpose of the RAS component of the assessment/Review is to identify and evaluate an individual's unmet needs in order to deliver an indicative personal budget with enough resources to enable a service user to meet their identified eligible unmet needs.

The RAS is integrated into the Community Care Assessment or 'My Assessment and My Review'.

The RAS is the system by which an indicative personal budget is calculated for eligible service users who are exercising their right to a Community Care Assessment and Self Directed Support. It does so by translating support needs into a resource budget. The purpose of the system is to provide an equitable and transparent way of allocating resources, and is based on a co-produced assessment/Review of an individual's support needs, the eligibility of those needs and the availability of resources to meet those needs.

For resource allocation to work well and efficiently it is important that it forms an integrated part of a self directed support process – that includes good contact arrangements, investment in information and advice, and early intervention and prevention, and within a market that is prepared to respond to individual's needs and requirements.

7.2 Resource Allocation System: How does it operate?

The RAS consists of three main components:

- A supported co-produced assessment questionnaire that seeks to identify a service users' support needs and is used in a supported way as part of the community care assessment;
- A points allocation system which translates these needs into points to reflect the relative scale of these needs; and
- A 'pounds per point' calculation that converts the points into a sum of money, known as the *indicative* personal budget.

It is the *indicative* personal budget which allows service users to plan the support that will deliver the outcomes to best meet their identified needs. The RAS does not generate an absolute amount. Rather, it provides an *indication* of the resources an individual may need to meet the cost of addressing their assessed eligible unmet needs. It is the Support Planning and validation process which determines the final allocation or personal budget.

7.3 Resource Allocation System: Co-produced Assessment and Review

Appropriate assessment is at the heart of effective service delivery for adult social care provision and the Council recognises that it is imperative for service users' to be active partners in the assessment of their needs. The RAS therefore forms part of the community care assessment and is co-produced with the service user and assessor.

Therefore the RAS captures three different views:

- **My View**
This is the perspective of the Service user
- **Representative View**
If the Service User lacks capacity in a decision specific area the Representative view will be recorded in this section.
- **Assessor View**
This is the perspective of the assessor and is the 'view' that the RAS uses to generate points. The 'My View' and 'Representative View' do not contribute to the RAS score.

In order to ensure equity of resource allocation, there is one RAS component of the assessment/Review for all service users, regardless of age, disability or type of need.

7.4 Resource Allocation System: Points Allocation System

The points allocation system translates the needs identified in the Co-produced RAS assessment into numerical points.

The points for each answer remain the same regardless of who is completing the RAS component of the assessment/Review thus ensuring that service users who have the same answer for a particular question will receive the same points in relation to that question. This maintains the equality of the points allocation system.

7.5 Resource Allocation System: Pounds per Point Calculation

Once the points have been allocated, they are then converted into the indicative personal budget via a 'pounds-per-point' calculation. The 'pounds-per-point' rate sets a certain monetary figure for each point scored on the questionnaire. This figure is multiplied by the number of points scored on the questionnaire in order to determine the total indicative personal budget.

The pounds-per-point rate is based on the cost of meeting eligible support needs, having regard to the available Council resources.

7.6 Resource Allocation System: Validation

All needs and outcomes identified from the assessment, will be documented in the Support Plan, and in order for the Council to meet its duty, these needs must be met in the Support Plan in order for the plan, and therefore the budget, to be validated. The Support Plan will aim to maximise where possible needs through Community or other resources.

The indicative personal budget identified through the RAS must be validated before it can be physically allocated. This validation is undertaken on agreement of the

Support plan and confirmation of the Personal Budget after the support plan has been brokered.

An individual's budget is generally expected to be able to be the maximum needed. However in exceptional circumstances additional resources may be necessary to meet eligible unmet needs through the Support Planning. Any additional funds will require approval through the Adult Care and Support Panel. In addition a service user can supplement their budget from their own funds to meet ineligible needs and outcomes.

7.7 Resource Allocation System: Calibration

In addition, the Council will monitor the overall implementation of the RAS to ensure that it remains equitable and transparent and allows service users to meet their assessed needs. This will include a review of the RAS formula to ascertain whether the point's allocation and pounds-per-points rate remain adequate to meet service users' eligible needs; and to ensure that the RAS remains sustainable in light of available Council resources. RAS calibration will be reviewed annually but 'add hock' reviews can be undertaken if issues with calibration are identified.

7.8 Resource Allocation System: Change in Personal Circumstances

If a person's needs change fundamentally a Review of their support needs can be undertaken, and a new revised indicative personal budget allocated as required. This will be undertaken as part of the Review process.

7.9 Resource Allocation System: Exceptional Cases

Where exceptionally high support needs are identified during the assessment/Review and planning process the Council will work with the service user to find the best solution for their individual eligible unmet needs.

It is recognised with the current market place that it may not be possible to purchase residential/nursing placements within the agreed allocated personal budget. In individual circumstances the Care Fund and cost Calculator will be used to agree placements. Where it has been agreed that the only service that can meet the unmet eligible needs of the individual are outside the RAS calculation, we would use the Care Fund or cost Calculator where positive risk taking assessment has been considered, and there is significant funding difference between RAS and purchased price. If the placement is community based then additional funds can be requested through the Panel process. Each case will be discussed on a 'case by case' basis.

The Care Fund Calculator supports the negotiation of fees for residential care only for ALD placements costing over £1000. For Adult and Older People residential and nursing home placements, the brokerage team will negotiate directly with the market.

7.10 Resource Allocation System: Disputes

Any dispute will follow the Council compliments, comments and complaints process: http://www.telford.gov.uk/site/scripts/documents_info.aspx?categoryID=200025&documentID=79

7.11 Resource Allocation System: Carers

As the help and support of family members and/or other carers is essential for many people, assessment/Review of the level of support provided by carers is included in the RAS component of the assessment/Review. Carers' own needs are not yet assessed within a RAS component of the assessment/Review. However if it is determined that they may benefit from services, or they request one, a separate Carers Assessment should be completed to deal specifically with their needs. Carers are entitled to an assessment even if the service user does not agree to undertake an assessment.

7.12 Resource Allocation System: Stages/Domains

There are ten stages to the RAS component within the My Assessment and My Review. These stages are:

- Communication
- Making Decisions and Organising My Life
- Managing Actions
- Keeping Myself Safe
- Meeting Personal Care Needs
- Eating and Drinking
- Running and Maintaining My Home
- Being Part of My Communication
- My Role as a Parent or Carer
- Having Work and Learning Opportunities

Each of these ten stages or domains are broken down into seven sections. These sections are:

- **Evidencing Needs**
This section is 'free text' and is used to Evidence the level of need recorded and FACS. It is also the section where the narrative of the individual's life is recorded. This section is not used to generate points.
- **Determining Level of Need**
The section is a range of statements, which classify a series of increasing levels of need. For example for the Stage Meeting Personal Care Needs the statements are:
A) I do not need any support with my personal care
B) I need occasional support/encouragement with my personal care (e.g. once or twice a week)

- C) I need some support/encouragement with my personal care (e.g. at least once a day)
- D) I often need support/encouragement with my personal care (e.g. at least twice a day)
- E) I need frequent support/encouragement with my personal care (e.g. several times a day)

The 'total' level of need of the individual is matched to the most relevant statement. Each statement is associated with a Point.

- **Number of Carers (day/night)**

The section is a range of statements linked to the number and frequency of carers required. For example *'I need one person to support me with my personal care'* will receive less points than *'I need two or more people to support me with my personal care'*. The points will also incrementally increase if you select day and night rather than just day or night. The number and frequency of carers is match to the most relevant statement. Numbers of carers is only asked for the RAS Stages of 'Managing Actions', 'Keeping Myself Safe' and 'Meeting Personal Care Needs'.

- **Identifying Provision of Informal Support**

This section looks at whether the service user has any informal support and whether that support is sustainable. Sustainability is a key word in this question and will require professional judgment to determine sustainability. Unlike the previous two questions where you select a level of need this question identifies if the service user is receiving informal support.

Yes indicates that some level of informal support is being provided.

No indicates that the service user has no informal support or the informal support being provided is not sustainable.

- **Identifying the Level of Informal Support Provided Considering Sustainability**

Answering YES to 'Identifying Provision of Informal Support' requires the need to identify how much informal support is provided.

Sustainability is a key word in this question and will require professional judgment to determine the level sustainability. How this question is answered will incrementally reduce the number of points gained from the previous three sections. Therefore

- (A) 'My family and friends can provide all of the support I need' will reduce the number of points received from previous sections more than
- (D) 'My family and friends are unable to support me.

- **Outcomes**

This section is 'free text' and records the Outcomes the Service User wants to achieve in relation to the specific RAS stage being completed.

This section is not used to generate points.

- **Discrepancy Sections**

During the assessment it may become apparent that the view of the service user or their representative may not correspond with that of the assessor. If this discrepancy

cannot be resolved during the assessment then details of the conversation and the rationale for the decision is recorded here. This section is not used to generate points.

Each of the RAS stages has been associated with FACS Domains (see Appendix 1)

7.13 Resource Allocation System and Fair Access to Care Services Criteria

The RAS component of the assessment/Review is not a FACS criteria as RAS and FACS assess different areas:

- Eligibility criteria assess the risks and consequences of not meeting identified unmet needs to independence, health and well-being. The decision on eligibility establishes which of the person's needs are eligible and must be met.
- Domains in the self-directed assessment questionnaire identify level and frequency of support required to meet a person's needs and achieve defined outcomes. The RAS determines how much money is likely to be required to meet these needs. The purpose of the RAS is only to decide the indicative allocation. This allows the RAS to be kept as simple as possible.

In order to ensure the Council is meeting the eligible needs of service users a separate FACS Criteria template should also be completed.

8. Review and Monitoring

The Council has a statutory duty to re-assess each service users' and carer's support needs at least annually, and may do so more frequently should this be necessary. The review will be used to ensure that needs are being met and support is appropriate. Frequency of reviews will be agreed and included in the support plan. Service users and carers are also entitled to request a Review of their overall situation in the interim should they wish to do so.

9. Financial Contribution

The Council will maximise the resources available to meet need, by charging for services (people have a right to a community care assessment at no cost to themselves) in accordance with national regulations for residential care and national guidance for non-residential services (See Fairer Contributions and Charging Policies).

10. Assessing Capacity

Where an individual appears to lack the capacity to assess their own support needs, an assessment under the Mental Capacity Act (MCA) should be carried out. The decision maker, if the person is deemed to lack capacity, will also make the decisions relating to the assessment under the best interests guidance, taking into account the views of all relevant people including family, friends and representatives having regard to s4 MCA and the Code of Practice; These views will be recorded in Representatives Views of RAS component of the assessment/Review

11. What are the Assessor's Responsibilities.

The person completing the assessment is responsible for:

- Collating information about the individual from different agencies/sources.
- Co-ordination of the appropriate professional input, e.g. from Social Services staff, Health colleagues, etc. If a referral is being made to another agency or service e.g. to a Physiotherapist, District Nurse etc the information captured within each stage of the assessment should form part of that referral. Forwarding of this information ensures that the person requesting services does not have to produce the same information twice. It also ensures that the receiving agency/service has some information on which to determine the best way for them to proceed and to potentially prioritise/allocate their ongoing involvement.
- Involving the individual and their family or carers in the assessment process. This will include identification of their perspective about needs and preferences, expressed outcomes and options already identified by the individual and/or their carer(s). It is clearer if people who use services' and carers' views are expressed in direct quotations.
- Advising/assisting the person about completion of the relevant parts of the assessment/Review and support plan themselves if they wish to do so.
- Obtaining consent from the person being assessed for the information taken to be shared with health and social care professionals involved in their care.
- Ensuring the person who has been assessed is given a copy of the assessment
- Informing the service user of their indicative and personal budget.
- Providing relevant information and giving whatever explanation is required so as to ensure that the individual is able to use and to benefit from the information provided.
- Informing people who use services, carers, advocates/representatives and close family members as appropriate, of the action to be taken if they are dissatisfied with the assessment or subsequent services.
- Obtaining, recording and sharing accurate information in a safe and appropriate manner in line with relevant legislation and good practice requirements.
- Informing people who use services, and/or carers if appropriate, that their information will be held electronically, and that legislation such as the Data Protection Act 1998 entitles them to apply for access to information held about them.
- Recording all activities on CareFirst in a timely and accurate way
- Ensuring any safeguarding issues are managed appropriately

12. Four Levels of Assessments

There are four levels of assessment which may be undertaken depending on the individual's presenting needs – in all cases, a contact assessment will be undertaken when an individual initially contacts our services via the Access Team and any one or more of the other types of assessment may be undertaken depending on the suspected need.

12.1 Contact Assessment

Contact Assessments are undertaken when an individual initially contacts our services. The purpose of this assessment is to quickly and effectively collate information and screen contacts in order to signpost the individual to the most appropriate service. This assessment collates basic information on all initial enquiries in order to quickly establish the key presenting needs of that individual and therefore determine which services they may or may not require to address these needs.

The Contact Assessment could be completed at this stage with Information and Advice or indicate that further assessment is required. If further assessment is required a referral is made to the most appropriate service as well as passing on the contact assessment to ensure the receiving team are aware of the key issues therefore avoiding the need for the individual to repeat this information to another service.

In situations where two or more contact assessments are undertaken within a short interval, consideration should always be given to the need for a Social Care Assessment.

12.2 Community Care Assessment: My Assessment

My Assessment is undertaken by one of our Assessment Teams where it is suspected that an individual has social care needs. This is a more in-depth assessment to set the context of the individual's strengths, needs and wishes and provides a full picture of the individual's circumstances whilst enabling service users and carers to detail their perceptions of their needs. The My Assessment is co-produced with the service user.

The My Assessment also contains a RAS component which will provide an indicative personal budget on the completion of the assessment to enable Support Planning for eligible unmet needs.

This level of assessment is carried out by competent, trained practitioners across agencies if they judge a more wide-ranging assessment is required. The depth and range of exploration will be determined by the presenting situation and person's

views and as a result involvement of more specialist staff may be required e.g. occupational therapy, physiotherapy in order to form a complete picture. The involvement of specialist staff should be proportionate to the individual's needs. Wherever possible and practical, the assessment will be completed by a single professional.

Similarly, where particular domains of the assessment are not relevant to the person's circumstances there is no need to explore them in any detail but a note of this must be made within the documentation.

Before undertaking an assessment, the allocated worker should determine whether a Social Care assessment has already been completed by another person or agency, and if this is so, a copy should be requested if not already on record. This should avoid unnecessary repetition of questions for the person being assessed. This Assessment should then be updated with any new information and any changes to existing information noted.

12.3 Community Care Review – My Review

The authority has to ensure that it regularly reviews the needs of people receiving Adult Care & Support Services arranged or provided by the Council. This is to ensure that people are still eligible to receive services and that the services being provided are achieving the agreed outcomes as set out in their support plan. This involves regularly re-assessing an individual's needs.

Review will be undertaken the following circumstances:-

- Initial Review within 3 months of the first service being provided or major changes in service provision being effected, and thereafter at least annual Reviews of the individual's needs.
- Where there is any significant change in an individual's situation, Review to determine "current" eligibility will be undertaken.
- Reviews can also be requested by the individual or their carer where it is felt there has been a change in circumstances or it is felt that the services are no longer meeting their needs.

Where an individual is classed as an inactive case, a Review will be scheduled every year as a minimum to ensure that the services they receive are still meeting their needs or that their needs have not escalated since services were introduced. As the individual will not be allocated a worker on an on-going basis, the Team Leader will allocate Reviews to the most appropriate worker when the Review is due/requested.

Whenever an individual is provided with services to address their on-going eligible social care needs, the case will be allocated to the Assessment and Case Management Team who will determine whether the individual is an active or inactive case.

Where an individual's situation is unstable, they require regular contact with social services or their service needs to be monitored closely, their case will be considered to be an active case. Where an individual receives on-going services which result in their condition remaining stable, the case will be considered inactive until such time as their circumstances change or their care is reviewed (whichever is the sooner).

All active cases will be allocated a worker from assessment and case management who will act as the individual's first point of contact within Adult Care & Support Services and will provide on-going monitoring of the individual and the services they receive in partnership with any service providers. This worker will continue to manage the individual's case to ensure that services are being provided in line with their support plan.

Reviews should:-

- Involve the people who use services, their carer and providers as fully as possible
- Establish whether care services have achieved the agreed outcomes as set out in the support plan
- Reassess the needs and risks faced by individual users of services
- Determine the continued eligibility for care services
- Confirm or amend the current Support plan or lead to closure of a case
- Comment on how the individual is managing their finances where appropriate
- Agree actions for the future
- Update the indicative personal budget

12.4 Community Care Assessment – My Support Plan

Support Planning is a principle that starts prior to the Council being contacted. MyLife is a website that has been developed by Adult Care & Support to enable the people of Telford & Wrekin to find services independently and to maximise 'free' support before contacting the Council. There are seven steps that are followed at every stage of a person's journey through Adult Care & Support Services, these are:

1. Enhanced Resource Information: Providing access to relevant information that is accessible when needed
2. Maximise Informal and Community Support: Maximise service available in the Community and provided by family and friends; ensuring that support is sustainable and carers are supported (see carers policy)
3. Maximise the use of Equipment, Assistive Technology, Telecare and Enablement.
4. Funding: Maximise alternative funding routes and provide an indicative budget up front at the start of the process.
5. Direct payments: Direct Payments to be preferred deployment option to support creative Support Planning.

6. Discuss and share alternatives to traditional deployment options
7. Talk to Commissioning to inform of potential gaps in the market or market development options.

12.5 Other Assessments

The Social Care Assessment may in itself indicate that the individual requires a more specialist assessment by specialist workers e.g. Occupational Therapist/ Physiotherapist. Where this is the case, a further assessment is arranged by the allocated worker.

Nursing Assessments are co-ordinated by the Reablement service where it is suspected that an individual may have Health/nursing care needs. Where this is the case, the reablement worker will arrange for a nursing assessment to be undertaken by a qualified nurse. A nursing assessment will be recorded on a separate nursing assessment form as this is a more specialist assessment of nursing and health care needs. Wherever this is the case, any previous assessments undertaken by social care staff will be shared with Health staff so that the nurse has some background to the individual's needs and avoids the individual having to repeat information to another assessor.

Reablement & Prevention - Referral to the Reablement and Prevention Team will be made by Access or Assessment & Case Management in order to maximise and increase the individual's independence before identifying and putting in place arrangements to maintain independent living. Reablement covers a range of short-term interventions which help people recover their skills and confidence after an episode of poor health, admission to hospital, or bereavement. Reablement can help people to continue to live independently in their own homes without the need for an ongoing social care support package.

12.6 Carers Assessment

Carers Assessments – The initial contact assessment may identify a carer for the individual – this should be recorded on the contact assessment and on CareFirst (with permission of the carer). Where an informal carer is making the initial enquiry on behalf of the person they care for, they will be offered a carers assessment in their own right. Where the carer accepts the offer of an assessment and is a known case, their details will be passed to the appropriate team in order that a full carers assessment can be undertaken to identify any needs the carer may have (as opposed to the needs of the person they care for). If the carer is not known to the council their carers assessment will be undertaken by the Carers Centre.

This assessment focusses solely on the carer and their needs as an informal carer with the aim of providing services which may support them in their caring role (please refer to the Carers policy for further information). Where a carer refuses an assessment, this should be recorded on the contact assessment and on CareFirst.

13. Recording

All community care processes per individual client is recorded on the Council's electronic client record database called CareFirst.

14. Policy Implications

14.1 Legal Implications

This policy outlines the Authority's obligations for provision of social services in line with the NHS & Community Care Act 1990 and other relevant legislation. It is recognised that the Government's draft Care & Support Bill may place further/amended obligations on Local Authorities in due course. Once this is finalised, this policy will be amended accordingly.

14.2 Finance and Value for Money Implications

The aim of the Community Care Policy and associated policies is to reduce individuals' need for high level intensive care and support (which can be high in cost) by providing preventative services which aim to rehabilitate and reable the individual to live independently wherever possible and avoid their care needs escalating to high dependency care. Although this may result in a reduction in the use of high intensity, expensive care packages, the anticipated savings are being re-diverted into investing in the Authority's Reablement and Preventative services as well as into community developments and encouraging/enabling development of support mechanisms within the community.

14.3 Economic Implications

It is anticipated that the personalised approach being implemented via the Community Care process will ensure that each individual is able to continue to play an active part in their own community as well as achieving their own personal goals and outcomes which for those of working age, may include gaining employment or training which in turn will support and develop their own local community and economy.

In order to provide a wide range of services which allow a flexible approach to meeting individuals' needs, the Council is committed as part of its Co-operative Council approach to investing in, encouraging and shaping a varied market of providers including smaller social enterprises in order to meet the needs of the community as a whole.

14.4 Environment Impact

Not Applicable – there are no environmental impacts associated with this policy.

14.5 Other Impacts

There are no other impacts associated with this policy.

15. Cross Referencing Information

15.1 Standards

- General Social Care Council (GSCC) Codes of Practice see the following link:

<http://www.gsc.org.uk/codes/Get+copies+of+our+codes>

15.2 Legislation

- Disabled persons (Employment) Act 1944
- National Assistance Act 1948
- Health Service and Public Health Act 1968
- Chronically Sick and Disabled Persons Act 1970
- National Health Service Act 1977
- Health and Social Services and Social Security Adjudications Act 1983
- NHS and Community Care Act 1990 S47 (5) and S47(6) – *temporary provision in urgent situations, prior to full assessment*
- Community Care (Direct Payments) Act 1996
- Health and Social Care Act 2001
- Carers and Disabled Children Act 2000
- Nationality, Immigration and Asylum Act 2002
- Community Care (Delayed Discharges etc) Act 2003
- LAC (93) 7- DOH –Ordinary Residence
- LAC (2002) 13 - Fair Access to Care Services – guidance on eligibility criteria for adult social care
- LAC (2001) 32 Fairer Charging Policies for Home Care and other non-residential Social Services – guidance for councils with social services responsibilities
- Charging for Residential Accommodation Guide (CRAG) (updated annually by DOH and issued with covering LAC)
- National Service Framework for Older People (2001)
- National Service Framework for Mental Health 1999
- Valuing people – a New Strategy for Learning Disability for the 21st Century 2001

15.3 System Implications

This policy is supported by the use of the council's Abacus, Agresso and Care first systems and relates to ICT guidance notes on use of these systems.

15.4 Other Relevant Documents

- Adult Care & Support Directory
http://www.telford.gov.uk/info/100010/health_and_social_care/1160/adult_care_and_support_directory
- Making It real
http://www.thinklocalactpersonal.org.uk/_library/Resources/Personalisation/TLAP/MakingItReal.pdf
- Think Local Act Personal
http://www.thinklocalactpersonal.org.uk/_library/PPF/NCAS/Partnership_agreement_easy_read_1_November_2010.pdf
- Caring for our Future White Paper
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@pg/documents/digitalasset/dh_130455.pdf
- The Commission on Funding of Care and Support
<http://www.dilnotcommission.dh.gov.uk/our-report/>
- A Vision for Adult Social Care: Capable Communities and Active Citizens
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_121971.pdf
- Care and Support Bill – HM Government, 11 July 2012
<http://www.dh.gov.uk/health/2012/07/careandsupportwhitepaper/>

Appendix 1

DOMAIN Applicable to	RAS Stages		CRITICAL Definition	SUBSTANTIAL Definition	MODERATE Definition	LOW Definition
	Overriding Priority		Life is or will be threatened C1			
			Significant health problems have developed or will develop C2			
Autonomy	Communication	Making Decisions and Organising My Life	There is or will be little or no choice and control over vital aspects of the immediate environment C3	There is or will be only partial choice and control over the immediate environment S1		

			There is, or will be, an inability to act on informed choices C4	There is, or will be, a limited ability to act on informed choices S2			
Health & Safety	Managing Actions	Keeping Myself Safe	Serious abuse or neglect has occurred or will occur C5	Abuse or neglect has occurred or will occur S3			
				There is, or will be, some risk of harm or danger to self or other S4			
Managing personal and daily routines	Meeting Personal Care Needs	Eating & Drinking	Running and Maintaining My Home	There is or will be an inability to carry out vital personal care or domestic routines C6	There is or will be an inability to carry out the majority or personal care or domestic routines S5	There is or will be an inability to carry out several personal care or domestic routines M1	There is or will be an inability to carry out one or two personal care or domestic routines L1

Family and Social Involvement	Being Part of My Community	My Role as a Parent or Carer	Having Work and Learning Opportunities	<p>Vital involvement in work, education or learning cannot or will not be sustained</p> <p>C7</p>	<p>Involvement in many aspects of work, education or learning cannot or will not be sustained</p> <p>S6</p>	<p>Involvement in several aspects of work, education or learning cannot or will not be sustained</p> <p>M2</p>	<p>Involvement in one or two aspects of work, education or learning cannot or will not be sustained</p> <p>L2</p>
				<p>Vital social support systems and relationships cannot or will not be sustained</p> <p>C8</p>	<p>The majority of social support systems and relationships cannot or will not be sustained</p> <p>S7</p>	<p>Several social support systems & relationships cannot or will not be sustained</p> <p>M3</p>	<p>One or two social support systems and relationships cannot or will not be sustained</p> <p>L3</p>
				<p>Vital family and other social roles and responsibilities cannot or will not be undertaken</p> <p>C9</p>	<p>The majority of family or other social roles and responsibilities cannot or will not be undertaken</p> <p>S8</p>	<p>Several family and other social roles and responsibilities cannot or will not be undertaken</p> <p>M4</p>	<p>One or two family and other social roles and responsibilities cannot or will not be undertaken</p> <p>L4</p>

TELFORD & WREKIN COUNCIL

CABINET - 12 DECEMBER 2013

SHAPING PLACES: LOCAL PLAN UPDATE

REPORT OF ASSISTANT DIRECTOR: PLANNING SPECIALIST

LEAD CABINET MEMBER: COUNCILLOR CHARLES SMITH

PART A) – SUMMARY REPORT

1.0 SUMMARY OF MAIN PROPOSALS

- 1.1 Telford & Wrekin Council is preparing a new development plan, the Shaping Places: Local Plan. This report provides an update on the main areas of work and seeks approval of changes to the approach to the preparation of the Plan following recent consultation, emerging evidence and national planning policy considerations.
- 1.2 Consultation on the Strategy & Options document took place during June and July 2013 and the comments received are being used to help inform the development of planning policies. Appendix 1 of this report includes a summary of the comments received and their implications. This document will be made available on the Council's website subject to Cabinet approval.
- 1.3 To comply with the National Planning Policy Framework (NPPF) the Council must identify and update annually a 5 year supply of housing against its housing requirements set out in the adopted development plan. The Council has recently calculated its current 5 year housing supply. The implications of this for the Council's housing target and the consequent need to include specific site allocations within the Local Plan are set out in this report.
- 1.4 The final section explains the emerging policy approach in relation to a number of policy topic areas.

2.0 RECOMMENDATIONS

- That Cabinet approve the approach to the Local Plan set out in this report, taking into account the update to the Local Development Scheme (LDS) presented in a separate report.
- That Cabinet approve the summary of comments document at appendix 1 for publication on the Council's website.

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Maintaining an on-going supply of housing responds to many of the Council's priorities, helping to regenerate neighbourhoods in need and ensuring local people have access to suitable housing.
	Will the proposals impact on specific groups of people?	
	Yes	The Local Plan relates to the whole borough and communities who live, work and visit the area. Including site allocations ensures that there is a supply of housing within the first 5 years of the plan as well as the remaining period up to 2031. The plan will also include a range of policies to ensure the needs of the community are met through development, such as the provision of affordable housing.

TARGET COMPLETION/ DELIVERY DATE	The timetable for the Local Plan is set out in the Local Development Scheme (LDS) which has been recommended to be updated to reflect the inclusion of site allocations in a separate report. Key dates to follow.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The policies covered by the Shaping Places Local Plan will be instrumental in supporting the sustainable growth of the Borough. It will be necessary to ensure that the targets and policies adopted through the approval of the final Shaping Places Local Plan are aligned with the growth assumptions within the budget strategy. Financial advice and support will be provided as necessary.
LEGAL ISSUES	Cabinet approval of the approach to the draft Local Plan set out in this report is not a formal part of the plan making process and there is no need to make any further reference to Full Council. Legal advice will continue to be provided when required, in particular regarding the 5 year housing supply and National Planning Policy Framework issues that are highly relevant to the outcomes of many recent appeals and court cases regarding planning applications for housing developments.	
OTHER IMPACTS, RISKS & OPPORTUNITIES	<p>The approach set out in this report will ensure conformity with the National Planning Policy Framework (NPPF), in particular, paragraph 47 which sets out a need to identify sites within the Local Plan for the first 5 years of the Plan and broad locations for years 6 onwards. Currently, using the formula set by the National Planning Policy Framework (NPPF) and in the light of recent planning appeals, the Authority has calculated that the Borough currently has a 2.5 year supply.</p> <p>Paragraph 49 states that “relevant policies for the <i>supply</i> of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites”, meaning there will be a ‘presumption in favour of sustainable development.’</p> <p>The combination of a revised housing target for the plan and the inclusion of site allocations will help the Authority demonstrate a 5-year supply and ensure its housing <i>supply</i> policies are up-to-date. This will allow the council to better manage the location of future development, ensuring it is led by the strategy set out in the Local Plan and phased in a manner that achieves key priorities and opportunities for the whole borough, including some of the more challenging urban areas in need of regeneration. In the meantime, the risk of not achieving this will be minimised by applying the definition of sustainable development and utilising existing policies which are non <i>supply</i> related such as affordable housing provision and urban design, ensuring good quality houses that meet a range of needs.</p>	
IMPACT ON SPECIFIC WARDS	Borough wide impact.	

PART B) – ADDITIONAL INFORMATION

4.0 STRATEGY & OPTIONS CONSULTATION

4.1 In accordance with the timetable set out in the Local Development Scheme (Feb 2013) and Statement of Community Involvement (Dec 2012) consultation on the Strategy & Options document took place during June and July 2013. As well as contacting statutory consultees and general bodies by post, hard copies of the Strategy & Options document and response questionnaire were made available in libraries and online. Officers also organised public open sessions, meetings with stakeholders and a variety of media events to advertise the consultation as widely as possible. Five open sessions were held with Members, Parish and Town Councils and the public. Town and Parish Councils were also provided with the opportunity to speak with officers at one-to-one meetings.

4.2 In total 1471 comments were received. In addition, through the programme of meetings that took place, particularly with Parish and Town Councils, a number of comments and concerns were addressed directly. The proposal to include an additional consultation phase on site allocations as part of taking the Plan forward is expected to attract more public engagement and comments.

4.3 Since the consultation, officers have been considering the comments received together with other evidence as part of preparing the draft policies for the Local Plan. Appendix 1 summarises the comments received. Subject to Cabinet approval these will be published on the Council's website along with the next steps in producing the Plan to ensure that people remain engaged in and informed about the process.

4.4 The responses were generally favourable and positive towards the options presented.

- In general, there was broad support for the growth set out in the vision and the aims for the plan. In response to residents' comments the Council will be considering options for a lower level of overall growth. Evidence for this will be strengthened in future stages of the plan and it will be clearly demonstrated that there will be no significant impact on green spaces as a result of new development within the urban areas of the Borough.

- The importance and value of green spaces is stated in the documents published so far, but this will be emphasised in future stages of the Plan. The new Plan will be positive about green spaces and will ensure that Telford continues to be one of the greenest towns in the country.

- There was broad support for the distribution of growth. In particular to complete the development of Telford as envisaged when the new town was designated. However the Council recognises the importance of providing certainty about where growth should be located and the phasing of development over the Plan period.

- There was general support for a more flexible criteria based approach to policies that emphasise the opportunities for development that supports existing centres and communities, encourages business growth and, where possible, utilises previously used land to meet the range of local needs.

5.0 REVISED HOUSING GROWTH TARGET

5.1 Since publishing a preferred housing requirement at the Strategy & Options stage of 26,500 for the period 2011-31, officers have continued to review the housing target taking into account comments received from residents during the Strategy & Options consultation, together with matters relating to the Duty to Co-operate with neighbouring authorities and the Council's position in respect of its 5 year housing supply.

5.2 Consultation

The Strategy & Options consultation attracted a range of comments on the scale of development and overall the consultation indicated broad support for the Council's preferred Option 3, which would see Telford become a strategic hub for Growth and Business. While the principle of growth was supported, the Council was asked to consider the approach to growth with the support of appropriate evidence, particularly relating to the assessment of housing need, as well as addressing deliverability. Similar comments have also been made during discussions with other Local Authorities, including Birmingham City Council, who have themselves set ambitious growth targets. Members will be aware that Local Planning Authorities that have not allocated sufficient land for new homes are having their plans questioned by planning inspectors at public examination. In a number of cases this has led to authorities having to withdraw their plans.

5.3 5 Year Land Supply

The National Planning Policy Framework (NPPF) sets out a requirement for all Local Planning Authorities to identify a 5 years' supply of deliverable¹ sites against its housing requirement and update this annually. The NPPF sets out a strict approach to determining 'deliverability' which is intended to maximise the number of sites available to the market in order to significantly boost the supply of new homes. In setting a 5 year target the Council should:

a) start with the housing provision target figure in the adopted development plan (adjusted to reflect the level of housing that has already been delivered). The Council's Core Strategy proposed a housing requirement of 10,850 for the Plan period. This translates into a 5 year target figure of 3,500 for the period 2013-2018².

b) add to this a percentage to account for any under-delivery of housing (in Telford & Wrekin's case this is 20% identified in table 1 below as a 'buffer') and

c) add any 'shortfall' or 'backlog' in completions to date i.e. number of houses which should have been delivered.

For Telford & Wrekin, this gives the Council a **5 year housing target as at April 2013 of 8,612 homes** which equates to **1,722 homes per year**. For clarity, a breakdown of this figure is provided in table 1.

Table 1. 5 Year Housing Target

Housing Target for the next 5 years (2013-2018)	
Adopted Core Strategy figure (<i>pro-rata</i> for 2013-2018)	3500
+ 20% buffer	700
+ shortfall	4412
FIVE YEAR HOUSING TARGET	8612

¹ To be considered deliverable sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or the sites have long term phasing plans.

² The 5 year target of 3500 dwellings is based on a trajectory set out in Core Strategy policy CS1 (2013-18 @ 700 dwellings/year)

- 5.4 While the Council continues to perform well and is able to demonstrate a supply of 4,387 deliverable homes for the 5 year period, when compared to the target of 8,612, this results in a supply of 2.5 years rather than 5 ($4387/1722 = 2.5$). It should be noted that this position is being replicated in Local Authorities across the country driven in part by the government's strict definition of deliverability and is providing the basis of decisions by the Planning Inspectorate when determining appeals against the refusal of planning permission. Officers have also sought counsel's opinion on this matter.
- 5.5 The government states that where a 5 year supply cannot be demonstrated, relevant policies for the *supply* of housing cannot be considered up-to-date and, in accordance with the NPPF, there is a 'presumption in favour of sustainable development'. This limits the weight the Council can apply to its housing supply policies when determining planning applications. In addition, any shortfall that arises as a result of the Council not meeting its annual housing target must be accommodated in future years of the Plan period. It is critical therefore that any future plan target is deliverable. Being overly ambitious runs the risk of year on year continuing to under-deliver against the set target, having to consistently accommodate a shortfall in its targets and remaining unable to attach weight to its housing supply policies. The Shaping Places Local Plan therefore must include a future housing target that balances deliverability with growth ambition and provides the framework and sites to help manage the shortfall.
- 5.6 As recognised in previous reports to Cabinet, the target of delivering 26,500 new homes by 2031 has been tested through the Regional Spatial Strategy process and found to be a sound basis for the borough's growth given its original planned size, good infrastructure provision and the opportunities available to help strengthen the local economy. A target of 26,500 however equates to 1,325 homes a year. This figure predates the recession and the impact this has had on housebuilding nationally. Locally, the delivery of new homes in the borough has bucked national trends, achieving the completion of up to 800 new homes a year. Initiatives such as 'help to buy' are also increasing demand but the market remains challenging. Taking into account the significant shortfall of 4,412, it is considered that an additional requirement of as many as 1,325 homes a year runs the risk of the Council being unable to deliver on its housing target which in turn would continue the associated implications for the Council's housing supply policies.
- 5.7 Work is therefore ongoing to establish a revised housing target for the borough that is deliverable but also reflects the Council's ambitions for growth and prosperity, taking advantage of the land and infrastructure potential that exists in the Borough. This target must be based on substantive evidence and need, Duty to Co-operate considerations (see below) and any shortfall from previous years. Officers are considering the projected growth in population and households across all forms of housing tenure and identifying how this translates into a housing target. As part of this work, consultants are completing a borough-wide Strategic Housing Market Assessment (SHMA) that will assess housing need and demand.

5.8 **Duty to Co-operate**

Under section 110 of the Localism Act 2011 local authorities are required to discuss, agree and provide evidence of cross-boundary issues of strategic significance (Duty to Co-operate). With regards to housing this can mean accommodating unmet housing need and discussing patterns of in and out migration. Telford & Wrekin shares some of its housing market with neighbouring authorities including Shropshire, South Staffordshire, Birmingham and the Black Country and therefore officers are discussing housing matters across these authority areas to reach joint agreements. The implications of this for the Council's housing target are being assessed; it could mean, for example, that Telford & Wrekin includes in its target figure an element of housing growth that cannot be met in neighbouring areas.

5.9 Delivering Growth

The government is encouraging local authorities to ‘significantly boost housing supply’ and promote positive growth, by approving sustainable development. Any revision to the housing target therefore will support this agenda as well as the Council’s ambitions to be a focal point for growth and destination of choice for business and investment. The revised housing target will also support the Local Plan’s vision to accommodate a population of over 200,000 by 2031 and therefore complete its early ambitions as a New Town. Accommodating the current shortfall of 4,412 new homes alone supports this growth ambition as it will require a step change in delivery within the first 5 years of the Plan period. The borough has a large number of sites for housing and steps are being taken to increase the deliverability of these sites. The Council will work with key partners including the Homes & Communities Agency, developers and with the Marches LEP Strategic Economic Plan to put the conditions in place to accelerate growth. The NPPF aims to increase land supply but even with the Council’s interventions, market conditions will ultimately drive delivery. If conditions do not favour delivery in any year, any shortfall against the housing target will be rolled forward to the subsequent year.

6.0 SITE ALLOCATIONS

6.1 The Local Development Scheme (2013) proposed allocating only broad locations for development within the Local Plan. In light of the Council’s 5 year housing supply position it is now proposed to make more locally specific site allocations. The allocation of sites will provide greater certainty and choice to the market and to new investors. More specifically, it will:

- Increase the deliverability of the Local Plan and provide greater certainty in achieving the growth ambitions advocated in national planning policy and the Council’s emerging Local Plan
- Help better manage supply and the phasing of development (eg prioritising urban sites that are key to regeneration)
- Provide the opportunity to allocate publicly owned land for development
- Help avoid land-banking
- Avoid the need to adopt a supplementary planning document on site allocations

6.2 This approach will not preclude other sites, referred to as ‘windfall’ sites, also being considered should they meet the relevant criteria, providing further flexibility and choice. A separate report to Cabinet ‘Timetable for Shaping Places Local Plan – ‘Local Development Scheme’ explains the site allocations stage in the context of the Local Plan process. This includes how the public, Parish and Town Councils, developers, landowners and other stakeholders will be actively involved in site allocations.

7.0 POLICY UPDATE

7.1 As well as a robust housing target and the allocation of sites, the Plan must have a clear set of planning policies which guide the determination of planning decisions.

7.2 Comments were received during the Strategy & Options consultation on a range of policy areas. These are being used, together with the findings of evidence studies to produce policies for the Local Plan.

7.3 This section of the report provides an update on a number of key policy areas. These will continue to be developed to support the delivery of the targets and site allocations referenced above.

7.4 Employment

Policies in the Plan will support the development of both business and educational facilities to address the existing and future need for economic growth, skills and increased job

opportunities. The Plan will include criteria based policies and identify key employment areas that will help to support business growth in locations including , town and local centres, rural settlements and employment areas taking into account the need to support Council priorities such as addressing levels of deprivation and unemployment in Targetted Intervention Areas. Officers are currently working closely with the Delivery and Planning, Inward Investment and Estates and Investment teams to ensure that the Local Plan supports the Council's Invest in Telford, business support and investment campaign. This includes maximising opportunities in key sectors e.g. advance manufacturing linked with the proximity to Jaguar Land Rover and delivering the Council's economic goals to increase growth and job creation within the current business base as well as attract new investment from target sectors both foreign and UK based.

7.5 **Housing**

The delivery of new homes is critical to achieving the Borough's priorities both for growth and regeneration. The findings of the consultation endorsed the need to provide a choice and mix of homes to meet everyone's needs. This section focuses on two key aspects; affordable housing and rural housing. Other matters, including providing additional sites for Gypsies & Travellers will also be addressed in the Plan.

Affordable housing

- 7.6 The Strategic Housing Market Assessment (SHMA) as well as other considerations such as financial viability will support the establishment of targets for affordable housing in different parts of the borough.
- 7.7 The need for affordable housing provision was clearly acknowledged during the Strategy & Options consultation with a general support for a flexible approach which could be applied on a site by site basis. This was seen to allow for locally arising need to be addressed while ensuring development is viable and deliverable.
- 7.8 The consultation had proposed an approach whereby some or all affordable provision could be provided via a financial contribution in lieu of on-site provision. A similar approach would be to allow delivery directly, but off-site. The NPPF emphasises that where local planning authorities have identified that affordable housing is required, policies should seek to meet this need on-site, unless off-site provision or a financial contribution of broadly equivalent value can be justified.
- 7.9 The Council wants to see market and affordable homes built and local need met. Viability, particularly in recent years has been a concern on a number of developments and it is important that future policy provides sufficient flexibility to maintain delivery but also ensures local affordable housing need is met. The Council is therefore exploring an approach which includes targets alongside a number of criteria based policies. These will allow the Council to consider differing levels of provision and the use of commuted sums, off-site provision, in lieu of on-site provision where justified using site-specific viability assessments offering flexibility to encourage the delivery of new housing.

Rural Housing

- 7.10 The existing Plan focuses development in the rural area on three villages. The Council had recognised that the evidence base for this approach had become out of date and the consultation showed strong support for introducing a more flexible approach that would consider development across the rural area.
- 7.11 It is proposed that the new Local Plan takes a criteria based approach to determining rural housing development which would consider factors including affordable housing need, the current provision of services and facilities, the characterisation of settlements and local priorities that development could help address. Officers are currently trialling the production of

a Parish Profile, with the intention of rolling out to all Town Councils and Parishes. Each Profile would contain information on matters such as population, number of services and facilities and local opportunities. This information would provide the Council with better and more comprehensive understanding of the borough's parishes which would in turn enable it to better plan for and make more informed decisions on planning applications.

Retail

- 7.12 The NPPF requires policies to define a hierarchy of centres where retail development should be focused in order to support their vitality and viability. Comments from the Strategy & Options consultation suggested that the existing hierarchy that defines six 'district' centres may no longer be appropriate and that a higher profile should be given to some of the centres outside Telford Town Centre. Consideration is currently being made to redefine these centres and their roles, perhaps as market towns or smaller town centres. At this stage it is not anticipated that any new land will need to be allocated for retail development but the Local Plan will need to refine the primary shopping areas in accordance with retail evidence.

Green infrastructure

- 7.13 The Green Network designation has been a key planning policy on open space in the last two Local Plans. Whilst it has served the borough well in protecting green space it is based on out of date information and only applies to Telford (not the whole borough). Experience shows that it is also now failing on occasion to meet the needs of local communities and the Borough, for example affording protection to sites which could deliver more positive outcomes to communities and conversely not providing for green space where there is a local need. The borough has a long association with green infrastructure, considered by many a key selling point and noted during the 2012 Shaping Places survey as one of the main reasons why people chose to live in the borough. Feedback from the Strategy & Options consultation highlighted the importance of prioritising the protection and enhancement of green space and the vision for the plan will better reflect this, adopting the principle of "pro growth, pro green". The Plan will seek to maintain the green qualities of Telford, protecting its green spaces and ensuring that it continues to be one of the country's greenest towns.
- 7.14 To help strengthen the approach to and recognise the value of green infrastructure in the borough as well as ensure that a balance is achieved between new development and the protection and enhancement of green space, it is proposed to adopt the following categories of protection, supported by evidence from the Green Infrastructure Local Needs Assessment:
- 7.15 Category 1: areas of green infrastructure which have international, national and local protection such as Sites of Special Scientific Interest, Local Nature Reserves and Wildlife Sites. There will be a general presumption against development in these areas
- 7.16 Category 2: areas of green infrastructure where special conditions apply such as an Area of Outstanding Natural Beauty. Any development proposed in these areas will be subject to strict criteria to ensure that the green infrastructure is protected and enhanced.
- 7.17 Category 3: all other forms of green infrastructure. While the green infrastructure in these areas is not protected to the same degree for categories one and two, spaces will be assessed for their value and function when deciding their future. While the Local Plan will include criteria based policies on the key aspects of Green Infrastructure such as biodiversity, recreation and leisure, these will be supported by a Supplementary Planning Document (SPD). This will enable the Council to keep an extensive and up-to-date database of green infrastructure.

Urban design

- 7.18 Comments from the Strategy & Options consultation broadly supported the importance of urban design within the borough and the suggested approach of including two overarching

policies within the Local plan covering general obligations and principles supported by a Supplementary Planning Document (SPD) that provides more detailed information and direction. Both the policy and the SPD will highlight the value of and the need for good quality development. They will explain what is meant by 'good design and quality' and how development must provide a positive contribution to an area, responding to local character and following best practice.

Climate change

- 7.19 In light of the Government's consultation on the review of housing standards and zero carbon homes (DCLG (August 2013) Housing Standards Review Consultation) together with recent discussions on Building Regulations and environmental standards, the Plan will not make reference to the Code for Sustainable Homes. Instead, new housing will be required to comply with Building Regulations.
- 7.20 Non-residential developments and their standards are not similarly affected by recent discussions. The BREEAM standard can be applied to non-residential developments provided that the development remains viable. The Local Plan, therefore, will suggest that all non-residential developments will achieve a set BREAAM standard unless a viability assessment suggests otherwise.

Central Telford Area Action Plan (CTAAP)

- 7.21 CTAAP covers the period 2011-2016 and provides an important development framework for Telford Town Centre, including the recent Southwater development. The policies within CTAAP need to be considered in light of the recent borough-wide evidence studies on retail and leisure provision and to align with the new Borough wide Local Plan. It is anticipated that the majority of the CTAAP will be incorporated into the Local Plan whilst removing any duplicated policies and ensuring the long term delivery of the 'heart of the town' envisaged in CTAAP is achieved, ensuring certainty to investors in the area.

8.0 CONCLUSION

- 8.1 This report provides an update on the main areas of work involved in producing draft Local Plan. Officers intend to report again on a revised housing target and site allocations early in 2014. In the meantime officers, subject to the approach being approved, will publish Appendix 1 on the Council's website.

9.0 PREVIOUS MINUTES

30 May 2013 'Shaping Places' Local Plan, Strategy & Options

10.0 BACKGROUND PAPERS

Telford & Wrekin Local Development Scheme (December 2013)

Report prepared by Rachel Walmsley, Principal Planning Officer. Telephone: 01952 384250

APPENDIX 1

Shaping Places

Local Plan

Summary of comments
received as part of the
Strategy & Options Consultation

10 June – 26 July 2013



Background

Telford & Wrekin Council is currently producing a new **Local Plan; Shaping Places**. As part of this process the Council consulted on its Strategy & Options document providing the community and other stakeholders with the opportunity to comment on and influence the proposed scale and location of development at an early stage of the plan-making process.

Consultation on the Strategy & Options document took place between 10th June and 26th July 2013 and formed part of the requirement by the Town and Country Planning (Local Planning) (England) Regulations 2012 to invite bodies or persons to make representations on what a Local Plan ought to contain. The consultation process was in line with the adopted Statement of Community Involvement (December 2012) (www.telford.gov.uk/planningpolicy) and in accordance with the timetable set out in the Local Development Scheme (February 2013) (www.telford.gov.uk/localdevelopmentscheme).

This document contains a summary of responses received during the period of consultation and explains how the comments will influence the Shaping Places Local Plan: Draft Plan stage.

Shaping Places Local Plan: Strategy & Options Document

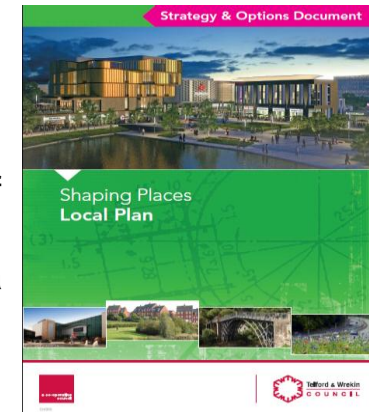
What did we consult on?

The Strategy & Options document set out options for the scale and location of development and different policy approaches to a range of topics including housing, employment, retail, green infrastructure and transport. For each subject area questions were asked about the content and options presented.

How did we consult?

In line with the Statement of Community Involvement, a range of methods were used to consult the community, ensuring events were well publicised and participation encouraged. 1652 consultees who had registered on the Local Plan database, including members of the public were consulted on the Strategy & Options document. Of these 1195 were sent letters (statutory consultees and general bodies such as voluntary organisations and business representatives). Hard copies of the Strategy & Options document and response questionnaire were made available in all 10 Telford & Wrekin libraries, including the mobile library, all of the 5 Telford & Wrekin Firstpoints and online. Officers also organised public open sessions, meetings with stakeholders and a variety of media events to advertise the consultation as widely as possible.

The Council has a Duty to Co-operate with neighbouring Local Authorities and statutory bodies under section 110 of the Localism Act 2011. These organisations were also written to during the consultation period.



Telford & Wrekin Council Planning Policy Portal Consultation

All comments were collated and viewable on a public on-line Consultation Portal. The Portal contains 1471 individual comments received through the Strategy & Options Consultation. These can be viewed at www.telford.gov.uk/shapingplaces

Open Sessions

During the consultation period five open sessions were held with Ward Members, Parish and Town Councils, and residents. A workshop event was held with the Telford & Wrekin Young People's Forum. All meetings provided an opportunity for people to consider exhibition material on the Strategy & Options document, listen to a presentation on the content of the document and talk directly to officers. The open sessions took place on the following dates:

- Telford & Wrekin Council Ward Members Open Session, Business Development Centre, Telford. 13 June 2013
- Telford & Wrekin Council Parish & Town Councils Open Session, Business Development Centre, Telford 20 June 2013
- Public Open Session, The Place, Oakengates Theatre, Telford. 26 June 2013 Daytime
- Public Open Session, The Place, Oakengates Theatre, Telford. 26 June 2013 Evening
- Young Peoples Forum, The Salvation Army, Telford. 10 July 2013

Targeted Engagement (Stakeholder Meetings)

A number of meetings with the following stakeholders provided an opportunity for people to listen to a presentation on the content of the Strategy & Options document and ask questions of senior management and officers:

- **Town & Parish Councils**

All Town & Parish Councils were offered a round the table discussion with officers on the Plan during the consultation. Ten out of the twenty-six Town & Parish Councils accepted this invitation with several involving more than one meeting to enable as many parish members to contribute as possible. Although not all, the Parish and Town Councils that did not accept the invitation commented via the Portal and at the Parish & Town Council Open Session.

- **Business Community**

As well as businesses being contacted directly via the Local Plan consultation database, the Local Strategic Partnership and Local, Regional and Intermediary Businesses were consulted. A presentation on the Strategy & Options document was given to the housebuilding industry in May 2013 and to representatives from Shropshire Fire & Rescue, Shropshire Chamber of Commerce, West Mercia Police, Clinical Commissioning Group and Job Centre Plus at a Local Strategic Partnership meeting on 4th July 2013. On 18th June 2013 the consultation was showcased at the Council's Invest in Telford launch event at The International Centre, Telford. The event focused on promoting the borough as an area of economic growth with over 100 local, regional and intermediary businesses attending.

BBC Radio Shropshire

An interview with BBC Radio Shropshire; Eric Smith and Clare Ashford on the Morning Show took place in Lawley Square, Lawley, Telford in advance of the public open sessions. The interview was aired on Tuesday 25th June around 8am to encourage attendance at the open session events. Radio Shropshire has a listenership of 26% of Shropshire's population per week, with an average of 104,000 listeners per week between June – September 2013³.

³ Shropshire Star Article 25 October 2013; <http://www.shropshirestar.com/news/2013/10/25/more-than-100000-radio-listeners-tuning-in-to-bbc-shropshire/>

Press Releases

Press releases went out in advance and during the formal consultation period in local newspapers; the Shropshire Star and the Telford Journal. Press and were also publicised on Telford & Wrekin Council's website and Shropshirelive.com.

Social Media

Regular updates on the Strategy & Options consultation were made on the Council's corporate Facebook and Twitter pages.

Facebook

Facebook messages were publicised on the dates below directing the social media users to the public on-line Consultation Portal via www.telford.gov.uk/shapingplaces, statistics on the number of views were as follows;

- 11 June 2013 reaching 3.1 thousand views with 314 clicks and 17 likes/shares/comments
- 2 July 2013 reaching 4.6 thousand views with 237 clicks and 24 likes/shares/comments
- July 2013 reaching 4.2 thousand views with 105 clicks and 7 likes/shares/comments

Twitter

Tweets were publicised during the consultation period on 7 separate dates. The message directed the social media users to the public on-line Consultation Portal via www.telford.gov.uk/shapingplaces.

Website

As well as the Shaping Places dedicated webpage www.telford.gov.uk/shapingplaces, a scrolling message was continuously displayed on the front page of Telford & Wrekin Council's webpages www.telford.gov.uk to encourage people to comment on the document.

Your Voice

Your Voice is Telford & Wrekin Council's quarterly newspaper which is distributed to around 72,000 households in the borough. An article on the Shaping Places Consultation was included in the Summer Edition distributed in June 2013.

Flyers/Poster

All Telford & Wrekin Council Community Centres were provided with posters and flyers to publicise the consultation period and to signpost users to the consultation portal, public open sessions. Hard copies of the document were also available in the centres.

What responses did we receive and how are they influencing the draft plan?

Each one of the 1471 comments received is being considered as part of preparing the Draft Local Plan, along with a range of evidence studies and the findings of a sustainability appraisal.

The following provides an overview of the comments received together with an explanation of how they are being used to inform the draft plan. Given the number of comments received, it has not been possible to respond to each comment individually. This does not mean it is not being considered in the development of the

Plan. If you would like a response to your comment, however, or would like to raise a concern please contact shapingplaces@telford.gov.uk.

Section of Strategy & Options	Summary of comments	How comments will inform the Draft Plan
Vision, aims and objectives	Support for vision but a need to better evidence 200,000 population projection, place more emphasis on green infrastructure (including ecological considerations), tourism & culture and 'local' as well as district centres	<p>The figure included in the Strategy & Options vision was based on population growth trends and intended to provide a broad indication rather than precise figure. The importance of evidence is acknowledged and population growth is taken into account as part of the housing target calculations referred to below.</p> <p>The vision for the draft plan will be amended to reflect the importance placed on the issues raised, most notably the emphasis on green infrastructure.</p>
Scale of growth	General support for growth but concerns raised over lack of evidence in support of this figure, how achievable/deliverable it is, potential impact on green spaces and lack of reference to the economic implications of growth.	<p>The role of development in supporting local communities and priorities for the borough will continue to be a strong message in the Draft Plan.. Since the consultation period, the Council has been considering further the scale of growth and associated housing target taking into account:</p> <ul style="list-style-type: none"> • conformity with the NPPF and associated guidance set out in the National Planning

		Practice Guidance (NPPG)
Section of Strategy & Options	Summary of comments	How comments will inform the Draft Plan
		<ul style="list-style-type: none"> • outcome of a review of the Council's 5-year housing supply • the need to include any shortfall in housing delivery from previous years • an allowance for 'economic' growth (e.g. increase in number of businesses and associated jobs and housing needs) • the findings of a Strategic Housing Market Assessment (SHMA)
		<ul style="list-style-type: none"> • housing needs associated with neighbouring authorities – a requirement under the statutory Duty to Cooperate placed on Councils • the findings of the sustainability appraisal which takes into account impacts associated with green infrastructure. <p>A revised housing target will be available for further comment during the consultation period commencing in April 2014.</p>

Section of Strategy & Options	Summary of comments	How comments will inform the Draft Plan
Distribution	<p>Broad support for Option 3 distribution (Low Rural/Medium Fringe/High Urban) followed by Option 2 (Low Rural/Low fringe/Very High Urban). Delivery of existing commitments has been challenged, highlighting the need to consider Strategic Housing Land Availability Assessment (SHLAA) sites to meet targets, including previous target shortfalls. Concern expressed from some communities potentially affected by development in the fringe, in particular, Eyton and Wappenshall. Careful consideration needed to phasing of development, ensuring that the Plan's objectives are achieved through development in urban/rural areas rather than too much development in the Fringe which is favoured by the market.</p>	<p>The Strategy & Options document recognised the need to balance development in the rural, urban and fringe areas in order to achieve the borough's priorities, provide a range and choice of sites and to meet the needs of local communities.</p> <p>Given the concerns raised regarding development in the fringe the Plan will need to continue to demonstrate an approach to growth that meets the Borough's priorities and ensures that housing is suitably located across the borough.</p> <p>Since producing the Strategy & Options document, it has been proposed to allocate specific sites in the Draft Plan. This will help determine more precisely where development will be located in the borough rather than broad locations. It is planned to consult on these site options in April-June 2014 before proceeding to preferred site allocations which will be subject to further consultation in early 2015 as part of the Draft Plan.</p>

Section of Strategy & Options	Summary of comments	How comments will inform the Draft Plan
Policy areas	<p>Specific comments were received on each of the policy areas. In general terms, support was given for a more flexible, criteria based policy approach with particular emphasis on strengthening business development opportunities in centres and villages, utilising brownfield land and providing a mix of housing which meet a range of local needs.</p>	<p>Comments on individual policy issues and options will be considered in the production of the Draft Plan policies. The Draft Plan will seek to ensure that policies provide market certainty while retaining a degree of flexibility ensuring development is deliverable throughout the Plan period. Policies will support the development of both business and educational facilities to address the existing and future need for economic growth, skills and increased job opportunities, including in the rural area.</p> <p>The Strategic Housing Market Assessment (SHMA) will provide supporting evidence on the type of housing required to meet housing need borough-wide and will inform housing and affordable housing policies in the Draft Plan.</p> <p>With regard to brownfield land, the NPPF supports the effective use of land that has been previously developed provided that it is not of high</p>

Section of Strategy & Options	Summary of comments	How comments will inform the Draft Plan
		environmental value. It also supports other opportunities such as new settlements or extensions to existing villages & towns where they are shown to be sustainable

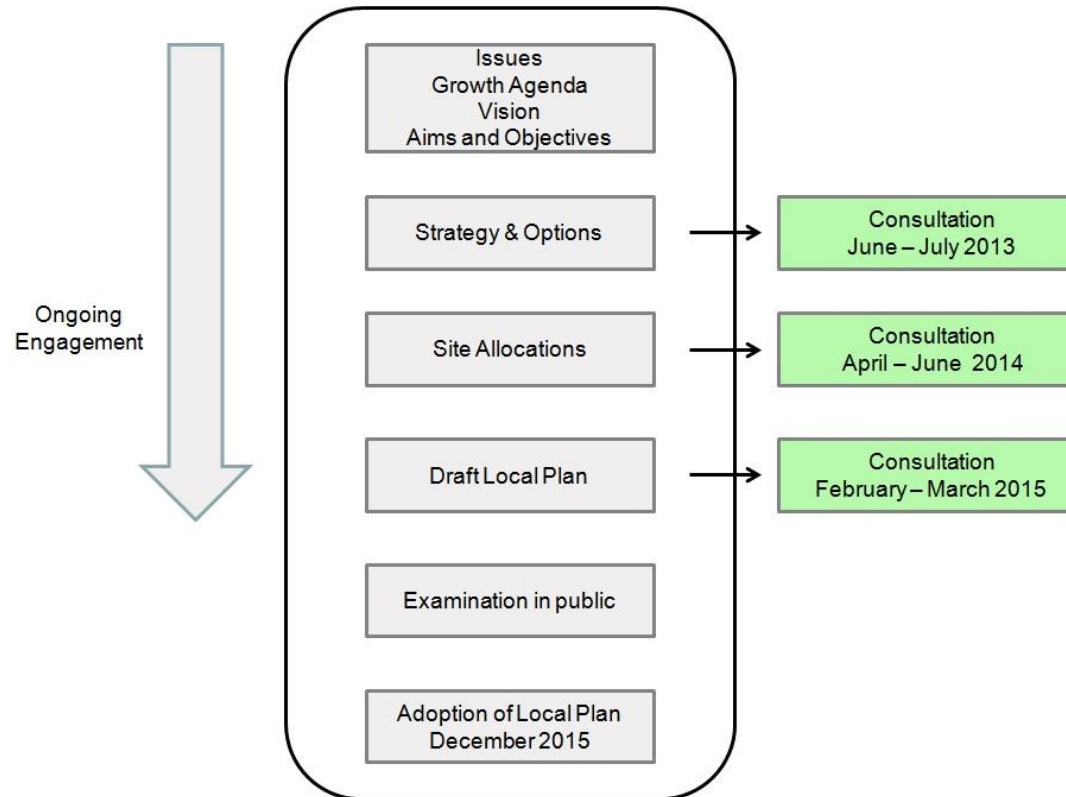
Equalities

The Council is committed to involving as many people as possible and ensuring this is representative of all the borough's communities. To help monitor this and assist with future engagement, a series of equalities questions were asked as part of the consultation. The responses submitted indicated that a broad range of people had contributed. While it was noted that the number of young people who responded was low, events such as the Young Persons Forum workshop provided some representation. Written comments were not submitted by attendees however and so while the feedback was recorded at the meeting and is being considered as part of developing the Plan, individual numbers of contributors details were not factored into the monitoring data.

Next stages of the Shaping Places Local Plan process

As detailed in the Local Development Scheme 2013 www.telford.gov.uk/localdevelopmentscheme, the following diagram sets out the next stages of the Local Plan making process:

Stages in the Shaping Places Local Plan process



Engagement in the Local Plan process is on-going and not limited to the formal consultation stages. If you want to find out more about Shaping Places, get involved or discuss a particular issue, then please contact shaping.places@telford.gov.uk Updates will also continue to be posted on the website at www.telford.gov.uk/shapingplaces

Local Development Scheme



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1 Introduction

1.1 Purpose of this Document

1.1.1 This document provides a starting point for the public to find out about the existing planning policies for Telford & Wrekin and, in particular, sets out the Council's programme for the preparation of new planning policies: it contains the timetable for the preparation of the new Shaping Places Local Plan.

1.1.2 This document is formally referred to as a Local Development Scheme and its preparation is a legal requirement⁽¹⁾. Superseding the previous Telford & Wrekin Council Local Development Scheme's of October 2009 and February 2013, it sets out the Council's current development plan.

1.1.3 The term "Development Plan" is a legal ⁽²⁾one that covers all of the statutory local land use policies and proposals in an area. This includes current development plan documents and older policies that have been "saved". Planning applications are considered against the policies contained in the Development Plan.

1.1.4 The Telford & Wrekin planning policy preparation programme covers a 3 year period beginning January 2013 and responds to local priorities in a streamlined and resource efficient way, with the focus being preparation of a new Shaping Places Local Plan.

1.1.5 As a Co-operative Council, Telford & Wrekin is keen to publicise our timescales for preparation of planning documents in order to provide clarity on the Council's planning policy preparation programme and the opportunities to engage in this work and to facilitate involvement of residents, businesses and other representative organisations in the process. While there are a number of formal consultation opportunities, engagement in the plan making process is ongoing.

1.1.6 We will look to prepare new policies in a fair and consistent way, working together with the community, involving people in the decisions that affect their lives whilst being prepared to listen and take on new ideas. The Local Development Scheme should be referred to in association with Telford & Wrekin Council's Statement of Community Involvement that sets out methods of consultation for all planning issues.

1 Planning and Compulsory Purchase Act 2004 Section 15 as amended by Localism Act 2011 Section 111

2 Planning and Compulsory Purchase Act 2004, Section 38

2 Current Policy in Telford & Wrekin

2.1 Telford & Wrekin Planning Policies

2.1.1 The Council's current Development Plan is comprised of the following documents:

Core Strategy Development Plan Document: Adopted December 2007, this document and its policies set out the strategic spatial vision and development strategy for the area to 2016.

Central Telford Area Action Plan: Adopted in March 2011, this provides the planning strategy and policies for Telford Town Centre and its immediately adjoining areas.

Wrekin Local Plan (saved policies): This document provides detail that is not present in the Core Strategy. Certain policies of this plan were formally "saved" in 2007, recognising that they were consistent with up-to-date national policy. A list of saved policies is provided in the Appendices.

Shropshire and Telford & Wrekin Minerals Local Plan 1996-2006 (saved policies): Certain policies of this joint plan were formally saved in 2007. A list of saved policies is provided in the Appendices.

For further information and explanation about saved policies please see section 5.1.

2.2 Supporting Documents

2.2.1 Sitting alongside the Development Plan are a series of supporting planning documents that provide further detail on planning policy and processes:

Supplementary Planning Documents: These are guidance documents that cover specific planning considerations in more detail but can be considered as material planning considerations in determining planning applications.

Statement of Community Involvement: This document sets out the Council's approach to community involvement in plan-making and in development management.

3 Development Plan Progress

3.1 Summary of Development Plan Programme 2009 - 2013

Summary of development plan programme 2009 - 2013

3.1.1 The following paragraphs provide a summary of the changes since the Council's 2009 Local Development Scheme (LDS).

3.1.2 Central Telford Area Action Plan: The Central Telford Area Action Plan (CTAAP) was adopted in March 2011. This document supports the aspirations of the Council and partners for the development of the town centre and its preparation was the focus of the Council's development plans work for much of the period of the previous LDS. It was adopted later than envisaged in the 2009 LDS after a lengthy examination. CTAAP superseded certain Wrekin Local Plan saved policies.

3.1.3 Commencement of work on new Local Plan: The 2009 LDS proposed that work should commence on the Core Strategy review. Preparation of a new plan will assist in delivering current priorities around the economy, housing, regeneration and environmental quality. After completion of the Central Telford Area Action Plan, work on a new Telford and Wrekin plan is underway. This is being referred to as the "Shaping Places Local Plan".

3.1.4 Statement of Community Involvement: A revised Statement of Community Involvement was adopted in December 2012 in order to reflect updated development management processes and to support the preparation of the new Shaping Places Local Plan.

3.1.5 Shopfronts and Signage Design Guidance in Conservation Areas Supplementary Planning Document: This was adopted by the Council in April 2012.

3.1.6 The 2009 LDS also included a timetable for the Land Allocations Development Plan Document. At the time, work on this document was discontinued in order to focus resources on the CTAAP. It also envisaged Waste and Minerals Development Plan Documents being produced. However, a subsequent decision was made to incorporate these policy areas into the Shaping Places Local Plan.

3.1.7 An updated LDS was approved by Cabinet in February 2013. At the time, it referred to the Local Plan containing strategic level site allocations with the level of detail to be kept under review. It is now intended to include site specific allocations, hereafter referred to as "Site Allocations".

3.1.8 Neighbourhood Planning: New legislation in 2011 enabled preparation of neighbourhood plans. Telford & Wrekin has four neighbourhood planning "Front Runner" parishes where preparation of a neighbourhood development plan is underway or is proposed. For further information on Neighbourhood Planning see the 4.4 section.

4 Development Plan Programme

4.1 Development Plan Programme 2013 - 2016

Development Plan Documents have a number of stages of engagement and consultation. Their preparation culminates in an independent examination. The table below sets out the Council's proposed programme for the next 3 years.

The focus will be on a new Shaping Places Local Plan to provide the development strategy and policies to take the Borough forward and help deliver growth over the plan period to 2031.

It is noted that the previous Local Development Scheme had proposed a new Core Strategy but using the title "Local Plan" is considered clearer for stakeholders. This title also reflects changes in terminology in government policy introduced in the Localism Act 2011, National Planning Policy Framework and new statutory regulations. A Core Strategy and a Local Plan both set out strategic planning policies for the relevant topics and both carry the same weight in decision making.

The table below contains the outline of the programme. For full details of proposed dates please see Annex 1 - Detailed Timetable

Table 1 Planning policy preparation schedule

Document	Coverage	Details	Programme
Shaping Places: Local Plan	Borough-wide	The key Development Plan Document setting out the spatial vision, the objectives, and strategy for the Borough. Will provide development policies and proposals for development up to 2031	Pre Draft Plan consultation & engagement: 2012 - 2015 Draft Plan consultation and submission for examination and adoption: 2015 - 2016
Policies and Proposals Map	Borough-wide	Illustrates development plan policies and proposals on a base map showing specific policy boundaries.	Preparation in conjunction with timetable of the Shaping Places Local Plan

4 Development Plan Programme

Document	Coverage	Details	Programme
Site Allocations / Detailed Policies	Borough-wide	Provides detailed site allocation policies for housing, employment and other uses throughout the Borough following on from the overarching content of the Shaping Places Local Plan	Consultation on site allocation options and policies: April - June 2014
Community Infrastructure Levy (CIL)	Borough-wide	Local authorities can choose to apply a tariff system to certain forms of development proposals that assists the provision of infrastructure needed to deliver the development strategy for the area. If adopted the CIL would be set out in an agreed charging schedule.	Proposals for a Telford & Wrekin CIL are under review with a recommendation on whether to progress to follow.

4.1.1 As a Co-operative Council, Telford & Wrekin will engage with residents, businesses and other representative organisations in all stages of the preparation of the Shaping Places Local Plan in line with methods contained in the Statement of Community Involvement. Engagement is viewed as ongoing throughout the plan making process.

4.1.2 Progress against this timetable will be kept under review and communicated via the Council's website www.telford.gov.uk.

4.1.3 The Annual Monitoring Report will also provide a yearly update and will assess the need for review of the programme in circumstances where policies are not working effectively or objectives are not being met.

4.2 Community Infrastructure Levy

4.2.1 A Community Infrastructure Levy (CIL) can assist the provision of infrastructure needed to deliver the development strategy for an area. A CIL includes a charging schedule relating to the infrastructure needed and requires the local planning authority to have in place an up-to-date adopted Development Plan to provide a strategy and proposals against which the infrastructure schedule is worked up.

4.2.2 The Council is keeping the feasibility of preparing a CIL under review. A CIL will only be prepared where its preparation is viable and feasible in Telford & Wrekin area. If this can be shown, it would run in line with related stages of work on the Local Plan. The target date for the CIL examination would be immediately following the Local Plan examination.

4.3 Minerals and Waste Policies

4.3.1 There are no minerals or waste policies in the Telford & Wrekin Council's 2007 Core Strategy, although there are minerals policies from the joint Shropshire and Telford & Wrekin Minerals Local Plan 1996-2006 that are still in place.

4 Development Plan Programme

4.3.2 Strategic policies for waste and minerals will be incorporated in the Shaping Places Local Plan. The need for additional waste or minerals allocations will be considered during the preparation of the new plan.

4.3.3 Until new policies are in place, planning applications for minerals and related development will be determined based on national policies and saved policies from the joint Shropshire and Telford & Wrekin Minerals Local Plan 1996-2006, alongside other relevant policies of the Core Strategy, Wrekin Local Plan, Central Telford Area Action Plan and Supplementary Planning Documents as appropriate. Similarly, planning applications for waste and related development will be determined based on national policies and general policies from the Core Strategy, Central Telford Area Action Plan, Wrekin Local Plan and relevant Supplementary Planning Documents as appropriate.

4.4 Localism and Neighbourhood Planning

4.4.1 The Localism Act 2011 brought about significant changes in the UK planning system. Local effects of this are detailed below.

Regional Spatial Strategies

4.4.2 Regional Spatial Strategies have been revoked and the West Midlands Regional Spatial Strategy (RSS) will no longer be part of the Telford & Wrekin development plan. Telford & Wrekin's Local Plan must no longer have regard to the policies of RSS, although the evidence upon which the West Midlands RSS phase 2 review was being prepared is still relevant.

Neighbourhood Planning

4.4.3 Town and Parish Councils (or Neighbourhood fora in other areas without parishes) can now prepare Neighbourhood Development Plans and Neighbourhood Development Orders. A Neighbourhood Development Plan can enable communities to establish general planning policies for development and use of land in their area. It can be detailed, or general, depending on what local people want and will form part of the Local Plan. To be put in place a plan needs to pass a number of tests; it must conform to national planning policies and the strategic policies of Telford & Wrekin Council.

4.4.4 Waters Upton Parish Council, Ercall Magna Parish Council, Madeley Town Council and Newport Town Council are preparing Neighbourhood Development Plans for their respective areas as local Frontrunner pilots for Neighbourhood Planning. At this stage, no Neighbourhood Development Orders are proposed in Telford & Wrekin.

4.4.5 In accordance with the Localism Act 2011 and The Neighbourhood Planning (General) Regulations 2012 the parishes, rather than Telford & Wrekin Council, are preparing these plans, although the Council can offer advice. The Council also has to co-ordinate a referendum on the final plan and will therefore need to consider the resource implications.

4.4.6 Further details of progress of the neighbourhood plans under preparation in Telford & Wrekin will be provided on the Council's website www.telford.gov.uk/neighbourhoodplanning and on the relevant parishes own websites.

4 Development Plan Programme

4.5 Supplementary Planning Documents

4.5.1 Supplementary Planning Documents are guidance documents that support and elaborate on Development Plan policies and cover a wide range of planning considerations in more detail. They are a material planning consideration, but do not have Development Plan status. No independent examination is required for their adoption although community involvement is required.

4.5.2 The Council currently has in place 3 Supplementary Planning Documents:

- Design for Community Safety Supplementary Planning Document (June 2008) to supplement policy CS15: Urban Design in the Core Strategy
- Telecommunications Development Supplementary Planning Document (May 2009) to supplement saved policy T21: Telecommunications in the Wrekin Local Plan
- Shopfronts and Signage Design Guidance in Conservation Areas Supplementary Planning Document (April 2012) to supplement policy CS15: Urban Design in the Core Strategy.

4.5.3 Further Supplementary Planning Documents may be proposed. Further details of the Council's Supplementary Planning Document programme will be provided on the Council's website: <http://www.telford.gov.uk> as appropriate.

5 Appendices

5.1 List of Saved Policies

5.1.1 In addition to the policies of the Core Strategy (adopted December 2007) and the Central Telford Area Action Plan (adopted March 2011) the Council has certain policies of older plans that are still in force, as agreed by the Secretary of State in September 2007, these are referred to as "saved" policies.

5.1.2 The Council's schedule of saved policies subsequent to paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 is as follows:

Wrekin Local Plan Saved Policies

5.1.3 The Wrekin Local Plan was adopted in February 2000. Table 2 shows only the policies from this plan that are in force, as agreed by the Secretary of State, September 2007. Several other Wrekin Local Plan policies (S1, TC1-4, TC6 and TC14) were saved policies in 2007, but these have been superseded by the adoption of the Central Telford Area Action Plan in March 2011, they are now no longer in force.

Table 2 Saved policies from the Wrekin Local Plan

Wrekin Local Plan Chapter	Wrekin Local Plan Policy Reference	Policy Name
Natural Resources	NR1	Location of Renewable Energy Development
	NR2	Proposals for Wind Turbines
	NR3	Energy Use
	NR6	Waste Disposal and Recycling Facilities
Environmental Health	EH7	Contaminated Land
	EH8	Remedial Action on Contaminated Land
	EH14	Land Stability
Urban Design	UD2	Design Criteria
	UD3	Urban Design Assessments
	UD4	Landscape Design
	UD5	Public Art
	UD6	Major Transport Corridors and Gateways into Telford
Employment	E2	Employment Land Allocations
	E4	Development on Unallocated Employment Sites in the Urban Area
	E6	Rural Employment General
	E9	Non Employment Uses Within Employment Areas

5 Appendices

Wrekin Local Plan Chapter	Wrekin Local Plan Policy Reference	Policy Name
Housing	H6	Windfall Sites in Telford and Newport
	H7	Large Scale Regeneration Exceptions in Telford & Wrekin
	H9	Location of New Housing
	H10	Scale of Development
	H18	Conversion of Non-residential Buildings to Residential Use in the Rural Areas
	H22	Community Facilities
	H23	Affordable Housing
	H24	Affordable Housing Rural Exceptions Policy
Shopping & Service Centres	S5	Garden Centres in the Rural Area
	S8	Car and Caravan Sales
	S9	Retailing from Employment Areas
	S10	Wellington Primary Retail Zone
	S11	Wellington Secondary Zone
	S12	Newport Retail Frontages
	S13	Newport Secondary Zone
	S14	Madeley Primary Retail Zone
	S15	Madeley Secondary Zone
	S16	Oakengates Primary Retail Zone
	S17	Oakengates Secondary Zone
	S18	Dawley Primary Retail Zone
	S19	Dawley Secondary Zone
	S20	Hadley Primary Retail Zone
	S21	Hadley Secondary Zone
	S22	Donnington Change of Use
	S24	Changes Within Local Centres and Local Shops
S25	New Local Centres and Local Shops	

5 Appendices

Wrekin Local Plan Chapter	Wrekin Local Plan Policy Reference	Policy Name
	S31	Shop Fronts, Advertisements and Hoardings
Town Centre	T4	Development Principles
	T8	Rail Corridors
	T21	Telecommunications
	T22	Planning Obligations
Countryside & Open Land	OL2	Designated Areas
	OL3	Green Network
	OL4	Development in the Green Network
	OL5	Extensions and Redevelopment in the Green Network
	OL6	OpenLand
	OL11	Woodland and Trees
	OL12	OpenLand and Landscape - Contributions From New Development
	OL13	Maintenance of Open Space
Leisure & Recreation	LR1	Provision of Community Facilities
	LR4	Outdoor Recreational Open Space
	LR5	Golf Courses
	LR6	Developer Contributions to Outdoor Recreational Open Space Within New Residential Developments
	LR7	Recreational Open Space on Employment Developments
Historic Environment	HE2	Demolition in Conservation Area
	HE3	New Development in Conservation Areas
	HE4	Detailed Applications
	HE7	Facadism and Amalgamation of Plots
	HE8	Change of Use and Upper Floor Conversions
	HE10	Advertisements
	HE11	Shop Fronts

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Wrekin Local Plan Chapter	Wrekin Local Plan Policy Reference	Policy Name
	HE15	Demolition of Listed Buildings
	HE16	Alterations and Additions to Listed Buildings
	HE24	Historic Parks and Gardens
	HE25	Buildings of Local Interest
	HE26	Duke of Sutherland Cottages
Severn Gorge	SG1	World Heritage Site
	SG2	Area of Special Archaeological Interest
	SG4	Landscape and Nature Conservation
	SG5	Riverside Development and Works
	SG7	Tourism
	SG8	Museum Sites
	SG12	Retailing and the Role of Ironbridge Centre
	SG13	Environmental Improvements

Shropshire and Telford & Wrekin Minerals Local Plan 1996 - 2006 Saved Policies

5.1.4 The Minerals Local Plan was adopted in April 2000 and was due to expire in 2006, in September 2007 some policies were agreed by the Secretary of State as remaining in force. Table 3 shows the saved policies from the Shropshire and Telford & Wrekin Minerals Local Plan which are still in force.

Table 3 Saved policies from the Shropshire and Telford & Wrekin Minerals Local Plan 1996 - 2006

Policy Number	Policy Name
M1	A More Sustainable Approach to Mineral Development
M2	The Need for Minerals
M3	Development Control Considerations
M4	Operational Considerations
M6	Protecting Archaeological Remains
M7	Benefits to the Countryside and the Local Economy
M8	Planning Obligations

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Policy Number	Policy Name
M10	Ancillary Development
M11	Transport of Minerals
M14	The Future Working of Sand and Gravel
M15	Sand and Gravel Working Outside the Allocated Sites and Preferred Areas
M16	The Future Working of Crushed Rock
M17	Secondary Aggregates
M18	Limestone Quarrying on Wenlock Edge
M20	Building Stone
M21	Coal and Fire Clay Working
M22	Brick Clay Working
M27	Reclamation and After-use
M29	Safeguarding Mineral
M30	Comprehensive Working of Mineral Resources

5 Appendices

5.2 Glossary

Annual Monitoring Report: A document which assesses the implementation of the development plan programme and the extent to which the policies in the Development Plan are being achieved.

Area Action Plan: A Development Plan Document which provides proposals and policies for a specific area. For example, town centre or conservation areas.

Community Infrastructure Levy: A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area⁽³⁾. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want - for example new or safer road schemes, park improvements or a new health centre⁽⁴⁾.

Core Strategy: A Development Plan Document under the Local Development Framework system that sets out the vision for the planning authority's area and the strategic policies and proposals to deliver that vision together with housing and employment provisions. The term Core Strategy has been removed from more recent national policy, it has been replaced by Local Plan.

Development Plan: This includes adopted Local Plans, neighbourhood plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004⁽⁵⁾. The Development Plan sets out land use planning policies and development proposals against which planning applications will be considered. It is a collective term for all policies which are currently in force. It may consist of several documents.

Development Plan Document: The term used in the Planning Regulations under the Local Development Framework system to describe the statutory documents that contain land use planning policies and development proposals against which planning applications will be considered.

Examination/Independent Examination: All Development Plan Documents will be subject to independent examination by an inspector appointed by the Secretary of State. The examination is to test the "soundness" of the document. This involves a legal compliance check, and an assessing if the plan is justified, effective and consistent with national policy.

Local Development Framework: A term previously used to describe the portfolio of a Council's planning documents. The Local Development Framework is made up of Development Plan Documents and Supplementary Planning Documents, the Statement of Community Involvement and the Local Development Scheme.

Local Development Scheme: The name given to this document under the Local Development Framework system. The document sets out the programme for the preparation of the Development Plan and includes timetables for the various stages and documents. The Local Development Scheme also sets out the Council's "saved policies" – policies from older plans that are still in force.

3 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

4 <http://www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy/>

5 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act⁽⁶⁾.

Material Consideration: Factors that will be taken into account when determining planning applications. For example: nature conservation issues, traffic, disabled access.

National Planning Policy Framework: The government's national planning policies issued in March 2012. It replaces national Planning Policy Statements and Planning Policy Guidance Notes along with some circulars.

Neighbourhood Plans: A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004)⁽⁷⁾. It must conform to national planning policies and the strategic policies that Telford & Wrekin Council have in place but once completed becomes part of the statutory Development Plan for the area.

Proposals Map: A Development Plan Document that will illustrate, on an Ordnance Survey map, policy designations, allocations and other policy areas.

Regulations: Refers in this context to the national planning regulations to which all local planning authorities have to adhere in preparing plans.

Saved Policy: The Council has certain policies of older plans that are still in force, as agreed by the Secretary of State in September 2007, these are referred to as "saved policies".

Soundness (of a planning document): Once a Development Plan Document has been produced, the local planning authority must submit it for independent examination where the "soundness" of the document is tested, namely that it is positively prepared, justified, effective and consistent with national policy.

Statement of Community Involvement: A document which sets out how stakeholders can get involved in the planning process (both Planning Policy and Development Management)

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment⁽⁸⁾.

Supplementary Planning Documents: Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan⁽⁹⁾.

6 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

7 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

8 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

9 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

5 Appendices

Sustainability Appraisal: An appraisal of the potential impacts of policies and proposals from an environmental, economic, and social perspective. This will inform the Council of the potential implications of different alternatives. Strategic Environmental Assessment and Sustainability Appraisal will be undertaken together.

6 Annex - Detailed Timetable

6 Annex - Detailed Timetable

6.1 This Annex provides the detailed timetable of forthcoming plan preparation stages in addition to the general outline of the programme contained in section 4. It sets out the stages for consultation in the plan making programme. However, it should be noted that engagement is on going and not confined to the time periods set out below*

6.2 Should adjustments be necessary to the dates below, this section may be updated in advance of a full review of the Local Development Scheme. The amendments will be published on the Council's website.

Table 4

Document	Coverage	Details	Programme 2013 - 2016
Shaping Places Local Plan	Borough-wide	<p>The key Development Plan Document setting out the spatial vision, the objectives, and strategy for the Borough.</p> <p>Will provide development policies and proposals to apply to development up to 2031</p>	<p>Developing Strategy & Options: December 2012 - March 2013</p> <p>Strategy & Options consultation: June - July 2013</p> <p>Site allocations: options, growth strategy and policies *consultation: April - June 2014</p> <p>Draft Local Plan - *consultation (including preferred site allocations): June - July 2015</p> <p>Publication of Draft Local Plan: September - October 2015</p> <p>Submission of Draft Local Plan for examination: November 2015</p> <p>Public Hearings: January - February 2016</p> <p>Adoption of Local Plan: April 2016 ⁽¹⁰⁾</p>
Policies and Proposals Map	Borough-wide	Illustrates development plan policies and proposals on a base map showing specific policy boundaries.	In conjunction with the above dates for Shaping Places Local Plan

10 Subject to the Planning Inspectorate's timetable

6 Annex - Detailed Timetable

Document	Coverage	Details	Programme 2013 - 2016
		To provide detailed site allocation policies for housing, employment and other uses throughout the Borough following on from the overarching content of the Shaping Places Local Plan	
Community infrastructure levy	Borough-wide	A tariff system applying to certain forms of development proposals that could assist the provision of infrastructure needed to deliver the development strategy for the area. This is set out in an agreed charging schedule.	Subject to a feasibility and viability review before taking a decision.
Site Allocations / detailed policies	Borough-wide	Provides detailed site allocation policies for housing, employment and other uses throughout the Borough following on from the overarching content of the Shaping Places Local Plan	In conjunction with the above dates for Shaping Places Local Plan

TELFORD & WREKIN COUNCIL

CABINET - 12 DECEMBER 2013

TIMETABLE FOR SHAPING PLACES LOCAL PLAN - "LOCAL DEVELOPMENT SCHEME"

REPORT OF ASSISTANT DIRECTOR: PLANNING SPECIALIST

LEAD CABINET MEMBER: COUNCILLOR CHARLES SMITH

PART A) SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 Telford & Wrekin Council is preparing the Shaping Places Local Plan. As part of this work, an updated approach to the Local Plan, most notably the inclusion of site specific land allocations as opposed to broad strategic locations will be proposed, subject to Cabinet approval. (The details of this will be presented to Cabinet in a separate report). This changed approach will strengthen the Plan by providing greater certainty to the market and ensuring the Council is able to show a 5 year land supply. However the additional work required to make specific allocation requires the timetable for the Local Plan, known as the Local Development Scheme (LDS) to be updated.
- 1.2 The Council has a statutory requirement to produce a LDS and make it publicly available. This report sets out the timetable. Approval is sought to publish the updated LDS including the proposed consultation dates. A copy of the updated LDS is attached in Appendix 1.

2. RECOMMENDATIONS

- 2.1 **That Cabinet approve the updated version of the Local Development Scheme for publication (Appendix 1)**
- 2.2 **To delegate authority to the Assistant Director: Planning Specialist in consultation with the Cabinet Member for Housing, Regeneration and Economic Development, to amend the Annex to the Local Development Scheme in order to reflect minor changes**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	This report seeks approval of an updated timetable leading to the adoption of the new Shaping Places Local Plan. As part of the Borough's Development Plan the new policies and allocations of land for development in the plan will help support policies across a range of Council priorities including: <ul style="list-style-type: none">• Protect and create jobs as a 'Business Supporting, Business Winning Council';• Regenerate those neighbourhoods in need;• Work to ensure that local people have access to suitable housing;• Ensuring that neighbourhoods are safe, clean and well maintained
	Will the proposals impact on specific groups of people?	
	Yes	The document is important for all stakeholders who wish to engage in planning as it identifies the planning policy documents the Council is preparing. The document lists the key public stages in

		preparation of the Local Plan and the date by when a new Plan will be in place. It will help ensure that all sectors of the community have the opportunity to engage in the development of planning policies.
TARGET COMPLETION/ DELIVERY DATE		To have an approved Local Development Scheme publicly available on the website the week commencing 23 rd December, ahead of the next stage of consultation on the emerging Shaping Places Local Plan that is anticipated in April 2014.
FINANCIAL/ VALUE FOR MONEY IMPACT	Yes	There are no direct financial implications as a result of the recommended amendments to the Local Development Scheme. JAC 061113
LEGAL ISSUES	Yes/ No	The decision to approve the Local Development Scheme was appropriately made by Cabinet in February 2013 and Cabinet is able to make subsequent amendments. Legal advice will be provided on procedural or legal issues as required.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The document will provide clarity for customers and investors regarding the Council's expectations in preparing new planning policies, setting out when they will have opportunities to engage in the plan preparation process and the date when the new Plan should be completed. The use of the most up to date evidence helps to reduce the risk of the plan being found unsound at examination.
IMPACT ON SPECIFIC WARDS	No	Borough wide impact.

PART B) ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 This report seeks approval of an updated LDS (Appendix 1) which provides a public timetable for the production of the Shaping Places Local Plan between 2013 and 2016. The Council is required to publish the document under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 4.2 The publication of the LDS is consistent with the principles of co-operative council working, providing clarity to stakeholders on the Council's planning policy preparation programme and the opportunities to engage in this work. It provides an opportunity for the public, businesses and other stakeholders to find out what the planning policies are for Telford & Wrekin (both existing and proposed).
- 4.3 The previous version of the LDS was approved by Cabinet in February 2013. At that time, delegated authority was granted to the Assistant Director: Development, Business & Housing to agree future minor changes to the annex of the LDS. However, it was noted that any significant changes would require Cabinet approval.
- 4.4 The proposed change to the LDS relates to the inclusion of site allocations. Local Councils are required to demonstrate a 5 year supply of housing to help meet the government's agenda of significantly boosting housing supply. As a result of recent decisions by Government and Planning Inspectors at appeal cases it has recently been calculated that Telford & Wrekin has a housing supply of approximately 2.5 years.
- 4.5 In view of this, it is important that the Council allocates specific sites within the new Local Plan which are considered suitable and deliverable for development and provide a deliverable supply of housing throughout the plan period up to 2031. This will help to strengthen the role of the Plan in providing certainty to the market and investors and ensuring development takes place where it will contribute to the achievement of the Council's priorities for growth and regeneration. It is important to note that this will not preclude other sites, referred to as 'windfall' sites, also being considered should they meet the relevant criteria.

- 4.6 To allow for the work to be undertaken to support the allocation of specific sites in the Local Plan, the LDS time table needs to be updated. The following table presents the main stages and dates. It should be noted that evidence documents currently being produced, such as the Strategic Housing Market Assessment (SHMA), may need to be updated to ensure the plan is found sound at examination.

Table 1. Timetable options for the LDS

Stage	
*Formal public consultation on site allocation options, policies and growth strategy	April-June 2014
*Formal public consultation on the Draft Local Plan	June-July 2015
Publication of Plan	Oct 2015
Submission of Plan for examination	Oct 2015
**Public Hearings: Sept-Oct 2015	Jan-Feb 2016
**Adoption	April 2016

*Engagement in the plan making process is on-going and not confined to these formal stages

** These stages are dependent upon timescales agreed for an Examination in Public which will be set by the Planning Inspectorate

- 4.7 The Council is developing the Plan through a process of continuous engagement and contact has been made with Parish and Town Councils to update them on the process. Since the last period of consultation which closed at the end of July, the Development Plans Team has continued to meet with Parish and Town Councils and other stakeholders.
- 4.8 In a separate Report, Cabinet will be recommended to approve a revised approach to developing the Plan including the process of making site allocations.
- 4.9 Subject to Cabinet approval, the LDS will be published on the Council's website. The document has been prepared with weblinks in the text in order to be as user-friendly as possible.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 none

6. PREVIOUS MINUTES

- 6.1 Cabinet 13 October 2009, Telford and Wrekin Local Development Scheme
 6.2 Cabinet 28 February 2013, Timetable for Shaping Places Local Plan – “Local Development Scheme”

7. BACKGROUND PAPERS

- 7.1 Telford & Wrekin Local Development Scheme 2009
 7.2 Telford & Wrekin Local Development Scheme 2013 (February)

**Report prepared by Rachel Taylor, Environment & Planning Policy Team Leader
 Telephone: 01952 384220**

TELFORD & WREKIN COUNCIL

CABINET- 12TH DECEMBER 2013

ASSETS OF COMMUNITY VALUE

REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION

LEAD CABINET MEMBER – CLLR LIZ CLARE

1. PURPOSE

To establish a procedure to administer the Assets of Community Value provisions contained within the Localism Act 2011

2. RECOMMENDATIONS

2.1 That the Assistant Director: Law, Democracy and Public Protection establish a procedure to administer the Assets of Community Value process in accordance with statutory requirements;

2.2 That the authority to receive and determine applications for land to be registered as assets of community value is delegated to the Assistant Director: Law, Democracy and Public Protection

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Whilst the requirement to administer the Assets of Community Value process is statutory it does contribute to the Priority Plan objective of a Sense of belonging and feeling safe in the community, objective 1- encourage people to take an active role in their community
	Will the proposals impact on specific groups of people?	
	Yes	We anticipate that the impact of the introduction of the scheme will be borough wide

TARGET COMPLETION/DELIVERY DATE	The responsibility to administer the process will be ongoing.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	See comment below
LEGAL ISSUES	Yes	The requirement to administer a process to identify and register Assets of Community value is set out in the Localism Act 2011, Part 5, Chapter 6. Regulations and guidance provide further details as to how the system is to be administered and have been published and will be taken into account in the development of the procedure
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>IMPACT – The main impact will be financial in respect of costs to administer the system and potential compensation to be paid to land owners.</p> <p>RISKS – Apart from financial areas of risk mentioned above, the principle risk is that of challenges to decision-making which would ultimately be made by the First Tier Tribunal. This risk can be mitigated by establishing and administering a fair and transparent procedure with clear and reasonable decision-making.</p> <p>OPPORTUNITIES – There are opportunities to use this scheme to engage with the community to discover land and buildings that are of community value and give them the opportunity of preserving those ‘assets’ for the benefit of local people.</p>
IMPACT ON SPECIFIC WARDS	No	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1 The Localism Act 2011

A duty introduced under The Localism Act 2011 to establish Assets of Community Value (also known as the ‘community right to bid’). The aim of the scheme is to allow the community to preserve land and

buildings that are of value to the local community by permitting them to have a period of time to make a bid to purchase the 'asset', when the owner indicates an intention to sell it. Further details are set out in background papers issued by the Department for Communities and Local Government (DCLG).

The local authority has the responsibility for administering the scheme; a summary of the process is set out below.

4.2 The Assets of Community Value Application Procedure (summary)

- A community organisation submits an application to the Council to nominate a property which they believe should be included in the list of Assets of Community Value
- The Council considers the application and decides whether to accept or reject it based on statutory guidance.
- If the application is accepted the Council place the property on the Register of Assets of Community Value (a public register which the Council has the responsibility to maintain). The landowner can request an internal review of the decision if they wish to do so and has a further right of appeal to the First Tier Tribunal
- If the application is rejected there is a rejection list and the unsuccessful application is registered there.
- When the landowner of a property on the assets of community value list wishes to sell the property they must notify the Council who will publicise the intention to sell. There is then a six week standstill period whilst community groups can decide if they intend to bid for the property. If they confirm that they wish to do so then there is a six month moratorium preventing the sale and giving the community group the opportunity to raise the required funds to bid for the property.
- At the end of the six month period the property owner is free to sell the land to whichever purchaser they chose. There are provisions that enable the landowner to make a claim for compensation to the local authority if there has been loss or expense incurred which was not likely to have been incurred if the land had not been registered.

The scheme came into force on 21st September 2012 and, until recently no applications had been received by the Council.

The Assets of Community Value Procedure is attached at Appendix 1.

4.3 The Procedure

It is proposed that the applications from community groups are received on behalf of the Council by the Assistant Director: Law, Democracy and Public Protection. In the first instance an officer from Legal Services would consider the application and issue a decision. If

the application was allowed, and the landowner wished to appeal against it, a more senior officer not involved in the first decision would undertake a review. This report requests that the decision-making power in respect of the application is delegated to the Assistant Director: Law, Democracy and Public Protection who will in turn establish a decision-making framework and delegate responsibilities for each decision as considered appropriate. There also needs to be a process to address any claims for compensation.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

RESOURCE IMPLICATIONS – The Assets of Community Value scheme is a new burden. It does not replace an existing scheme and accordingly it will require additional resource to administer it. Staffing will be the key element as work will need to be done as follows

- Establishing the structure for the decision-making process
- Maintaining the registers of assets of community and value and unsuccessful applications
- Time to be spent considering applications, issuing decisions, considering appeals, registering successful applications, publicising planned sales of land on the register when required, assessing compensation claims from landowners and defending the Council's position at the First Tier Tribunal

Apart from staffing issues there are other financial implications. The scheme requires the local authority to publicise proposed sales of land on the register. There are compensation claims which will be submitted to the local authority for consideration and possible settlement and there will be costs of First Tier Tribunal actions brought by the landowner, including the landowner's costs if their claim is successful.

RISKS – As set out above the process has a right of appeal by the landowner to the First Tier Tribunal. As with other decisions of the local authority an aggrieved party may seek a judicial review of decision-making.

OTHER IMPACT – The scheme could result in Council owned land being registered and accordingly this may affect the value of Council land and/or the Council's capital disposal programme.

6. FINANCIAL IMPLICATIONS

6.1 Implementing the Assets of Community Value Policy will result in additional costs for the Council:

- (i) **Administration costs** – this includes the cost of setting up the local register of Assets of Community Value, maintaining the register, maintaining a register of unsuccessful applications,

- registering assets with the Land Registry, dealing with appeals, dealing with sales/ moratorium issues and enforcement
- (ii) **Compensation costs** – at the end of the process the landowner can claim compensation for costs caused by the moratorium on the sale for expenses, such as additional security costs, and compensation for loss of asset value (where the sale value is lower at a later date due to market changes)
 - (iii) **5 year review** – process and administration costs of removing assets from the register after 5 years
 - (iv) **Other Associated Costs** – such as advertising/publicity costs, legal costs associated with any First Tier Tribunal actions

The Department for Communities and Local Government (DCLG) recognises that this is a new administrative burden on Local Authorities and is providing a specific grant which is intended to meet the costs incurred. The grant for both 2013/14 and 2014/15 is £7,855 – there is no commitment for future years and therefore this will be come a budget pressure if the grant ceases. It is difficult to assess the administrative costs as it is dependent on different factors: the number assets nominated for registration, the number of appeals and the number of sales (relating to registered assets). Legal Services will aim to administer the process within the resources available – any shortfall will be reported as part of the regular financial monitoring process.

DCLG has reflected an estimate of the costs of compensation within the new burdens funding. In addition they have indicated that they will meet the costs of compensation payments over £20,000 in a given financial year. This being the case, any compensation costs below £20,000 in a year will fall on Council budgets, albeit with the addition of the new burden grant. Again it is very difficult to assess the financial impact of compensation payments as it would depend on an individual asset, the pertaining market conditions and specific circumstances.

There is a further implication if the Council itself is the owner of an Asset of Community Value which it wishes to dispose of: the process for selling the asset will be elongated and capital receipts will be delayed.

7. **PREVIOUS MINUTES**

None

8. **BACKGROUND PAPERS**

A plain English guide to the Localism Act (DCLG publication)
<http://www.communities.gov.uk/documents/localgovernment/pdf/1896534.pdf>

Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents>

The Assets of Community Value (England) Regulations 2012/2421
<http://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents>

Assets of Community Value – Impact Assessment (DCLG publication)
<http://www.communities.gov.uk/documents/communities/pdf/2168557.pdf>

Report prepared by Tina Street, Solicitor, Telephone: 01952 383255

Assets of Community Value

Procedure and Guidance

Disclaimer: *The following information is not and must not be taken as a statement of the law. Owners and community groups should take legal advice when considering their options under the Community Right to Bid scheme.*

Aim

To set out the Council's procedure with regard to the new Community Right to Bid. To provide clarity to Members and to officers to manage the process. To provide transparency for nominators and asset owners.

The Community Right to Bid ("the Right") is derived from the Localism Act 2012 with the stated aim of devolving power to local communities.

From 21 September 2012, local community and voluntary organisations, neighbourhood forums and parish councils, are able to identify land and buildings, public or privately owned, providing an important service in their local community and nominate these for inclusion on a list of assets of community value maintained by Telford & Wrekin Council.

If an asset on the list comes up for sale, community interest groups will have up to six months in which to raise capital and bid to buy the asset, before it can be disposed of on the open market.

These provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They do not confer the right of first refusal to community organisations.

This procedure will be monitored and amended as appropriate to ensure that it remains fit for purpose.

Who will be able to make a nomination to the list of assets?

The right to make a nomination and subsequently to bid can be used by:

- a local voluntary or community group that is not incorporated but has **at least 21** members who are locally registered to vote in Telford & Wrekin
- a parish council
- a neighbouring parish council whose boundaries share a border with another parish or an unparished local authority area
- a charity
- a neighbourhood forum designated as such for planning purposes under the Town and Country Planning Act 1990
- a company limited by guarantee or an industrial or provident society which does not distribute any surplus it makes to its members
- a community interest company.

For a local community group to be able to nominate an asset it must be able to demonstrate that its activities are wholly or partly concerned with the Telford & Wrekin area. The local voluntary or community body must not be primarily run for profit and any profit that the local voluntary or community body makes must be wholly or partly used for the benefit of the council area.

Public authorities such as a county council or district council, or a police authority or health authority will not be able to make nominations to the list of assets

What is an asset of community value?

A building or land can be considered an asset of community value if:

- it is currently used to improve the social well-being and interests of the local community, or a use in the recent past has done so: and
- that use is a main one and not ancillary; and
 - a) for land in community use it is realistic to think that there will continue to be a viable use that will improve the social well-being and interests of the local community; or
 - b) for land in community use in the recent past it is realistic to think that there will be a viable community use in the next 5 years (in either case the community use does not have to be exactly the same as in the present or past): and
- it does not fall within one of a list of exemptions. (See 'What types of asset cannot be listed?' below)

Examples of the types of land or buildings that might be nominated include a:

- local shop
- pub
- community centre
- library
- playground
- park
- swimming pool
- market

What is meant by social well-being and interests?

This is defined as being land and buildings that are currently, have been or will be used (in particular) for cultural, recreational or sporting interests.

In addition there should be:

- a) Broad and inclusive use of the asset across the community, **or**
- b) Use by a section of the community that would not otherwise be provided for or is underprovided for in the locality e.g. elderly people, children. Proposed usage, if different from current usage, must comply with planning regulations in force at the time.

What is meant by 'recent past'?

'Recent past' is defined by the council as being 'the last five years'. For example, a library that has been closed and derelict for the past three years, though no longer in current actual use improving the social well-being and interests of the community, could still be nominated as an asset if it is realistic to think that, should the asset be put up for sale in the coming five years, there could be viable community use.

What types of assets cannot be listed?

Some categories of land are excluded from listing:

- **Residential premises**, including sites for mobile homes and boats.

For a building which is or includes residential premises this will include land held with the residence owned by a single owner. This could go beyond immediate gardens, outbuildings, yards etc. and extend to all land held by that owner. Every part of the land must be able to be reached from the residence without having to cross land which is not held by the single owner **unless** the intervening land is a railway, road, canal or river.

The exception to the exclusion of residential premises are premises which include living quarters which are an integral part of a pub or shop and which are otherwise eligible for listing.

A '**residence**' is defined as a building that:

- a) is normally or partly used a residence but which may be wholly or partly temporarily unoccupied
- b) is let, or partly let, for use as a holiday dwelling
- c) is, or partly is, a hotel or its principal use is to provide accommodation for paying occupants
- d) it is a house in multiple occupation.

A building is **not** a residence if:

- a) planning permission or development consent has been given but no residences have yet been built
- b) construction of a building intended to be a residence is underway but construction is not yet complete
- c) it was previously used as a residence but planning permission or development consent has been given for a change of use, for example, a decommissioned old people's home that developers intend to convert into offices.

- **Land for which a site licence** is required under Part 1 of the Caravan Sites and Control of Development Act 1960

- **Operational land** as defined in Part 11 of the Town and Country Planning Act 1990.

This is land used for transport infrastructure and some other related purposes by specified bodies with statutory powers. For example land held by railways or highway authorities.

How is a nomination made?

Nominations for all assets within the boundary of Telford & Wrekin should be made on a designated nomination form to the Council. A copy of the form is available on this website www.telford.gov.uk. The completed form should be returned to:

Community Right to Bid
Legal Services
Telford & Wrekin Council
Darby House
Lawn Central
Telford
TF3 4JA
or by email to: righttobid@telford.gov.uk

The nomination should include the following information:

- a) The name and address of the asset
- b) The current function of the asset e.g. community centre, local post office and convenience store
- c) The name and contact details of the current occupier/owner/landlord (if known)
- d) The names and current last known addresses of all those holding a freehold or a leasehold in the asset (if known)
- d) A description of the land area/site covered by the nomination e.g. including outbuildings, parking, gardens or green areas where relevant
- e) An up-to-date plan showing the land area/site covered by the nomination e.g. including outbuildings, parking, gardens or green areas where relevant.
- f) A description of how the asset currently, has in the past and will in the future boost the social well-being and interests of the community. The nomination must explain how it is proposed that the asset will remain viable in the future. This section should also include details of those sections of the community who may benefit if it is intended that the community use is targeted in particular at one or more sectors of the community e.g. children or elderly people, religious or cultural groups, sporting groups.
- g) The name and address of the nominator
- h) Name and contact details of the person progressing the nomination on behalf of the nominator e.g. the secretary or chairperson
- i) Written evidence of the status of the nominating group e.g. charity registration number
- k) If the voluntary or community group is unincorporated, names and addresses of **21** members who are locally registered to vote in the Council's area. Please note that this information will be checked by the Council.

NOTE: Information included in the nomination form may be made available to the owner of the asset should they appeal the listing decision.

Can a local voluntary or community group make more than one nomination?

Yes. There is no limit to the number of assets that a single group can nominate but each asset must have its own completed nomination form (see below for more details).

Can different local community groups nominate the same asset(s)?

Yes, but groups are encouraged to submit joint nominations and bids wherever possible.

What happens to the nomination then?

A council officer will assess whether the asset should be included in the list of assets of community value with reference to the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 and as set out above in the section 'What is an asset of community value?' A decision will be made within eight weeks of receipt of the nomination.

If the nomination is successful the council will give written notice to:

- the landowner,
- the occupier,
- the relevant parish council,
- the group who made the nomination and,
- where the owner is not the freeholder,
 - the holder of the freehold estate
 - the holder of any leasehold estate other than the owner,

and will include the asset in the list of assets of community value.

Assets will be listed for five years initially and will be placed on the local land charges register. If the land is registered it will be notified to the Land Registry as a registered restriction on the property.

If the nomination is unsuccessful the council will give written notice to:

- the landowner,
- the occupier,
- the relevant parish council,
- the group who made the nomination and,
- where the owner is not the freeholder,
 - the holder of the freehold estate
 - the holder of any leasehold estate other than the owner,

and will include the asset in the list of unsuccessful nominations.

The list of 'successful' and 'unsuccessful' assets will be published on the council's web pages at: www.telford.gov/communityrighttobid A free hard copy of the list can be obtained from:

Community Right to Bid
Legal Services
Telford & Wrekin Council
Darby House
Lawn Central
Telford
TF3 4JA
or by emailing: righttobid@telford.gov.uk

What happens if the owner or local group do not agree with the council's decision?

The local group has no right of appeal against the council's decision.

The owner of the asset may seek a review of the decision to include the asset in the list. The request for a review must be received by the council within 8 weeks of the **date of the notification of the decision**. The review will be carried out by a senior officer of the authority not involved in the original decision, within 8 weeks of the **date of the receipt of the request** or longer if agreed with the owner.

The owner has a right to an oral hearing and the right to be represented. They can challenge the original decision based on:

- the eligibility of the asset
- the eligibility of the nominator
- new factors that have come to light
- any irrelevant or improper matter the council has taken into account when making the original decision

The council will notify the owner, occupier, the nominating group and other relevant persons of the review decision in writing, within 7 working days of the review date.

If the council chooses to uphold the original decision to declare the asset a listed asset, the owner has the option of an appeal to the General Regulatory Chamber of the First-Tier Tribunal which is part of the court system and hears appeals against administrative decisions. The owner, occupier, the nominating group and other relevant parties, will be notified of the result of the appeal in writing.

If the council does **not** uphold the original decision, the owner, occupier, the nominating group and other relevant parties will be notified in writing and the asset details transferred to the unsuccessful nominations list.

Do assets of community value remain on the list permanently?

Assets must be removed from the list as soon as practicable:

- a) after a relevant disposal (other than an exempt disposal)
- b) when an appeal against a listing has been successful
- c) when the Council forms the opinion that the land or building are no longer of community value; or
- d) no later than 5 years from the date of entry on the list.

If any assets are removed from the list the council will notify the owner, occupier, nominating group, parish council (where applicable) and any other required parties.

Does the nominating group need to take any further action?

The nominating group should notify the council of any changes to:

- the name, title and address of the group
- the name, title and address of the person leading the nomination
- any change to the composition of the nominating group which may affect its legitimacy to continue to claim the right to nominate and to bid for assets e.g. a change in legal status, fewer than 21 members remain eligible to vote in the local area, the group ceases to exist.

Other than the above, the group need take no further action until advised by the council that the owner intends to make a “relevant disposal” of the listed asset.

Who can bid for an asset?

During the six week interim moratorium period a community interest group may request in writing to the Council to be treated as a potential bidder for the asset. This will bring the full six month moratorium into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid at this stage. In order to register intent to bid a community interest group must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non-profit distributing.
- d) An industrial and provident society that is non-profit distributing (these groups will be named as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2012 when relevant provisions come into force).

Note:

- a) Parish Councils may make a bid but only for assets in their local area and not in a neighbouring district
- b) Un-incorporated bodies may request that an asset be listed but cannot register an intent to bid or make a bid.

What are the arrangements for bidding for an asset?

Section 95(1) of the Localism Act (the moratorium on disposal) may not apply to all disposals at the time of disposal even if they are registered as assets of community value. For more information see the section below, ‘What are the criteria for disposals to be exempt from the moratorium arrangements?’

A disposal that **is** subject to the moratorium on disposal is termed a “relevant disposal” and only these disposals need to be notified to the council. In some instances an owner may not know if they will make an exempt disposal or not - for instance if they wish to sell land together with a business as a going concern but are not sure if they will do so. In such cases owners are advised to inform the council of their intent to sell the asset as a precaution.

When an owner notifies the council that they intend to make a “relevant disposal” of a listed asset then an 18 month moratorium period may come into force. The moratorium period prevents the owner from disposal of the asset on the open market for a period of six months if a community interest group has expressed an interest in bidding and has raised the capital and made a bid.

During the six month moratorium period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception to this. The owner may sell to a local community interest group during the moratorium period.

The moratorium arrangements also prevent community interest groups bidding again for the asset for a protected period of 12 months following the end of the six month bidding

period if their original bid or bids were unsuccessful. If, however, a sale is not made within 18 months of the date of notification of intent to sell, local community interest groups may re-enter the bidding process.

The community interest group has **six weeks** from the date of council's receipt of the owners' notification within which to register their intention to bid with the council, and six months from the same date in which to raise the capital and make a bid. Notification of the intention to bid should be made to the council at:

Community Right to Bid
Legal Services
Darby House
Lawn Central
Telford
TF

Details of assets available for disposal will be published on the council's Community Right to Bid website www.telford.gov.uk/communityrighttobid with the date from which the six week 'intent to bid period' runs.

Bids should be made directly to the owner of the asset not to the council.

If the bidding is unsuccessful another bid cannot be made by the community group(s) for a further period of 12 months from the end of the six month bidding period. If the owner has not made a relevant disposal in that time (18 months in total) community groups may rebid.

What are the criteria for disposals to be exempt from the moratorium arrangements?

Not all disposals will be "relevant disposals" for the purposes of this legislation. The disposal may not be "relevant" if the asset is successfully listed but at the time of intended disposal:

- a) The asset is to be disposed of under an order made by a court or a tribunal
- b) The disposal is resulting from a separation agreement between spouses or civil partners
- c) The disposal is being made under statutory provisions relating to physical impairment or mental impairment
- d) The disposal is being made within families
- e) The disposal is connected with the administration of the estate of a deceased person
- f) The disposal is the result of a power of sale of the asset as security for a debt, insolvency proceedings or the result of a statutory compulsory purchase
- g) There is a grant of tenancy of the land under part 4 of the Agricultural Holdings Act 1986(c)
- h) The disposal is within company groups
- j) A disposal where only part of the land to be disposed is listed but all of the land to be disposed of is owned by a single owner and all the land can be reached from every other part without having to cross land not owned by that owner. If any intervening land not owned by the owner is a road, railway, river or canal unbroken ownership applies
- k) A disposal of a redundant Church of England church
- l) A disposal for the purpose of enabling continuing health service provision on the land
- m) A disposal for the purpose of enabling;

- i) a school (excluding independent schools other than those designated as academies under the Academies Act 2010),
- ii) a 16-19 Academy to continue to be provided **or**
- iii) a further education establishment
- n) A disposal where there is a statutory requirement regarding the making of the disposal that could not be met if the moratorium arrangements (section 95(1) of the Localism Act 2011) were in place.

Please refer to 'The Assets of Community Value (England) Regulations 2012' and the Localism Act 2011 or detailed legal definitions.

What does the owner of a listed asset need to do?

The owner of a listed asset **must** notify the Council if they intend to make a "relevant disposal" of the asset.

If the disposal is a "relevant disposal", disposal of the asset must be in accordance with the requirements of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012. When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will need to provide the Land Registry with a certificate from a conveyancer that the disposal did not contravene section 95(1) of the Localism Act (the moratorium arrangements). If the disposal contravenes section 95(1) it will be ineffective, that is, new ownership will not be granted. This does not apply if, despite having made reasonable efforts to find out, the owner did not know the asset was listed as an asset of community value.

Owners of assets of community value must inform the council, as soon as practicable:

- a) that the land has been entered on the Land Registry as a result of an application for first registration
- b) that disposal has taken place
- c) details of the name and address of the person who has become the owner, including where this is a corporate body subject to registration, its place of registration and registered number

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 12th December, 2013 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON TUESDAY, 17th DECEMBER, 2013

(DEADLINE FOR CALL-IN: FRIDAY, 20TH DECEMBER, 2013)

PRESENT: Councillor K.S. Sahota (Leader and Chair), E.A. Clare, S. Davies, A.R.H. England, W.A.M. McClements, R.A. Overton, H. Rhodes, C.F. Smith and P.R. Watling

ALSO PRESENT: Councillor A.J. Eade (Conservative Group Leader) and W.L. Tomlinson (Liberal Democrat/Independent Group Leader)

CB-60 MINUTES

RESOLVED – that the minutes of the meeting held on 14th November 2013 be confirmed and signed by the Chair.

CB-61 APOLOGIES FOR ABSENCE

None

CB-62 DECLARATIONS OF INTEREST

None

CB-63 FINANCIAL MONITORING 2013/14

Key Decision identified as **Financial Monitoring** in the Notice of Key Decisions published on 14 November 2013.

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the report of the Assistant Director: Finance, Audit & Information Governance, which provided Members with the latest financial monitoring information for 2013/14.

Strong financial management continued, and the overall revenue position had improved by £0.92m since the last report in October. Revenue spending was now projected to be underspent by £0.67m at year end. A balance of £2.73m was remaining in contingencies in case of any unforeseen pressures in the latter part of the year. Proactive budget management activity had resulted in the identification of £2.5m of further in-year savings. Therefore, the overall revenue position was positive and, if maintained, would put the Council in a

good a position as possible to face the further unprecedented levels of cuts in grants that would be made by Government next year.

There were still a number of significant pressures on the budget, including the cost of Children in Care placements (overspend of £1.9m); the cost of Adult Care and Support services (combined projected overspend of £3.8m); the cost of ICT maintenance contracts (overspend of £0.4m); and income shortfalls relating to Lifelong Learning and Cleaning & Facilities Management. Projected variances of over £0.100m for individual service delivery units were detailed in the report. There were benefits from active treasury management of £1.1m, savings of £0.5m arising from general waste and recycling services, and a benefit of £0.3m arising from recovery of benefit overpayments.

The capital programme totalled £100.4m, which included slippage from 2012/13 and approvals to date. Spend was currently standing at 29%. Funding for the programme included a significant amount of capital receipts anticipated to be delivered over the medium term. As previously reported, a contingency plan was being developed should some of the receipts not be forthcoming. The total value of receipts expected in 2013/14 was £5.5m.

Collection levels for Council Tax and Sales Ledger debt were behind the targets set for the year, but the collection level for NNDR was ahead of target.

Reference was made to the on-going issue regarding the below national average funding of Continuing Healthcare by the Telford & Wrekin Clinical Commissioning Group, and the impact this was having on both individuals (who were now having to contribute more for their care) and on the Council's services/social care budgets. The Opposition Group Leaders expressed their concerns, and were thanked for lending their support to this issue. In response to a question about what further action could be taken to address the matter, the Cabinet Member: Adult Social Care added that the issue had been raised with a senior NHS executive and that the local MPs had also been informed.

RESOLVED –

- (a) that it be noted that the 2013/14 revenue spend is currently projecting to be within budget at year end;**
- (b) that the position in relation to capital spend and receipts be noted, and TO RECOMMEND to COUNCIL that the new allocations, virements and slippage detailed in Appendix 3 of the report be approved;**
- (c) that the collection rates for NNDR, council tax and sales ledger be noted.**

CB-64 COMMUNITY SAFETY PARTNERSHIP PLAN 2013-2016

Key Decision identified as **Community Safety Partnership Plan and Agreement** in the Notice of Key Decisions published on 14 November 2013.

Councillor H. Rhodes, Cabinet Member: Customer Services, Libraries & Transport, presented the report of the Assistant Director: Family & Cohesion Services, which sought approval for the Telford & Wrekin Community Safety Plan for 2013 – 2016, a draft copy of which was appended to the report.

The Telford & Wrekin Community Safety Partnership (CSP) had a statutory responsibility to develop a Partnership Plan which outlined the actions to be taken by partners on collectively working together to reduce crime and disorder and anti-social behaviour across the Borough. The compilation of the Plan also had to have due regard to the Police and Crime Commissioner's priorities to ensure that it linked into the West Mercia Police and Crime Plan.

The Plan was based around the CSP's four over-arching priorities:

- To reduce overall crime in the Borough;
- To reduce anti-social behaviour – including environmental crime;
- Greater community cohesion in the Borough;
- To reduce the fear of crime – keeping residents safer in Telford & Wrekin.

Each priority was supported by an operational action plan to ensure that a framework was in place to support and deliver on each priority. Due to the nature of community safety, the delivery plans needed to be fluid and adaptable to change to meet local need. Therefore the Plan would be reviewed annually. The Community Safety Partnership Board had overall responsibility for the monitoring of the Partnership Plan, with the Community Safety Team overseeing the delivery of the priorities and action plans, working with partners and operational delivery groups across the Partnership.

RESOLVED – to RECOMMEND to COUNCIL that the Community Safety Partnership Plan 2013 - 2016 be approved.

CB-65 COUNCIL TAX SUPPORT SCHEME 2014/15

Key Decision identified as **Council Tax Support Scheme 2014/15** in the Notice of Key Decisions published on 14 November 2013.

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the report of the Assistant Director: Customers & People, which set out the proposed scheme for 2014/15 to award council tax discounts to customers on low incomes.

Following the abolition of the national Council Tax Benefit scheme on 31 March 2013, the Council had introduced its own localised Council Tax Support scheme following a wide ranging consultation. A financial review of the scheme to date showed that the cost of Council Tax discounts awarded was lower than originally estimated, with a net benefit of around £100k. However, it was too early to draw any firm conclusions or make any accurate predictions from the findings at this stage. As the Support scheme was on track and financially balanced, it was therefore recommended that the current local scheme be retained for 2014/15, except for the technical and legislative

amendments that were necessitated each year by Government. Retaining the same scheme would allow further time to gather a full year's worth of data to truly understand the impact of the scheme, both financially and socially, which would feed into how the scheme might be developed further for 2015/16.

By not amending the scheme, there was not a requirement to go out to consultation. However, the major precepting authorities had been consulted about the recommendations for 2014/15, and the cross-party group from the Co-operative & Communities and Budget & Finance Scrutiny Committees had been monitoring the introduction of the 2013/14 scheme. Their report was appended to the report, and indicated support for the recommendation to retain the existing scheme for 2014/15.

The Council Tax Hardship Fund had been invaluable in assisting the award of help to the most financially vulnerable customers. It was therefore proposed that any unspent money from the Fund be rolled forward for use in 2014/15.

RESOLVED – TO RECOMMEND TO COUNCIL

- (a) that the Council Tax Support Scheme policy for 2014/15, which remains unchanged from the scheme approved by full Council on 22 November 2012, with the exception of the technical and legislative amendments that are necessitated each year by Government, be approved;**
- (b) that the carry-forward of the remaining funds in the Council Tax Support Exceptional Hardship Policy be approved, to allow it to operate for a further year.**

RESOLVED - that the findings from the cross party, joint Co-operative & Communities and Budget & Finance Scrutiny Committees, who support the retention of the existing Council Tax Support Scheme for 2014/15, be noted.

CB-66 HEALTH & SOCIAL CARE INTEGRATION

Key Decision identified as **Integration of Health & Social Care** in the Notice of Key Decisions published on 14 November 2013.

Councillor R.A. Overton, Cabinet Member: Public Health & Public Protection, presented the report of the Interim Director: Health, Wellbeing & Care, which set out the requirements placed on the Council and Telford & Wrekin Clinical Commissioning Group (CCG) to move towards integration of health and social care services.

The spending review at the end of June 2013 set out the requirement to establish an Integration Transformation Fund (ITF) by April 2015, which would include as a minimum the local share of the £3.8bn being allocated nationally in 2015/16. This included the continuation of the national 2014/15 NHS transfer to local authorities, and additional funding of £200m to help local authorities prepare for the implementation of the ITF and make early progress

on priorities. Individual allocations for funding would be announced as part of the Government's Autumn Statement. This was not new money, but there was an expectation that the Council and CCG would agree to use the funding to take forward a shared approach to health and social care. A joint letter from NHS England and the Local Government Association setting out the next steps on implementing the ITF was appended to the report.

The fund would be allocated to local areas, where it would be put in a pooled budget under joint governance between the CCG and Council, with a requirement that they must have a jointly agreed plan which met a number of national conditions. Elements of the ITF would be performance related.

Integration proposals needed to be developed now, to allow relevant budgets to be freed-up during 2014/15 for inclusion in the ITF – and an initial planning template, signed off by the Council, CCG and Health & Wellbeing Board, had to be submitted by 15 February 2014. A 'Task and Finish' Group of Officers from the Council and the CCG had commenced discussions on developing a vision for the integration of health and social care locally, and undertaking the necessary planning for the operation of the ITF.

RESOLVED –

- (a) that the requirements put in place for an Integration Transformation Fund be noted;**
- (b) that it be noted that a Task and Finish Group has been established with nominated Officers from both the CCG and the Council to complete the planning template to the deadline set;**
- (c) that a further detailed report be brought to Cabinet on 30 January 2014, and to an extraordinary meeting of the Health & Wellbeing Board in February, with a view to signing off the draft Plan Submission.**

CB-67 REVIEW OF ADULT CARE AND SUPPORT COMMUNITY CARE AND ASSESSMENT, REVIEW AND ELIGIBILITY POLICIES

Key Decision identified as **Review of Community Care Policy and Procedures** in the Notice of Key Decisions published on 14 November 2013.

Councillor A.R.H. England, Cabinet Member: Adult Social Care, presented the report of the Interim Director: Health, Wellbeing & Care concerning proposed amendments to Adult Care and Support policies in conjunction with the implementation of the Resource Allocation System from January 2014.

Fundamental to delivering the personalisation agenda and taking forward savings in adult social care was the introduction of Personal Budgets for all service users in receipt of community care funding. This approach would become embedded in legislation once the Care Bill, currently passing through Parliament, became law. Budgets for service users with eligible unmet needs

would be calculated through a Resource Allocation System (RAS) that would be built into the assessment process. To underpin this approach, a review of existing Community Care policies had been carried out. Amendments had been made to the Community Care Policy and the Assessment, Review and Eligibility Policy, and the revised documents were appended to the report.

The procurement of a RAS was approved by Cabinet in January 2011. The system would ensure that there was a fair and equitable process in place, so that people with the same level of need received an equal level of resource which was sufficient to meet their eligible, unmet needs. Following a period of testing, it had now been embedded electronically into the assessment document, and it was planned to use the system to allocate all personal budgets from January 2014. This would be for all new cases and on a phased basis for all existing users. Review of an existing care package using the RAS might result in the indicative budget going up or down – and transitional arrangements and support planning would be employed to manage any differentials.

RESOLVED –

- (a) that the amended Community Care Policy and Assessment, Review and Eligibility Policy, as appended to the report, be approved;
- (b) that the implementation of the Resource Allocation System from January 2014 be approved.

CB-68 SHAPING PLACES – LOCAL PLAN UPDATE

Key Decision identified as **Shaping Places Local Plan Update** in the Notice of Key Decisions published on 14 November 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which provided an update on the main areas of work on the Council's new development plan, and sought approval of changes to the approach to the preparation of the Plan following recent consultation, emerging evidence and national planning policy considerations.

Consultation on the Strategy & Options document took place during June and July 2013, and the comments received were being used to help inform the development of planning policies. In total 1471 comments were received. Appended to the report was a summary of the comments received and their implications. The responses were generally favourable and positive towards the options presented in relation to the level and distribution of growth; the value of green spaces; and a more flexible criteria-based approach to policies.

To comply with the National Planning Policy Framework (NPPF), the Council had to identify and update annually a 5 year supply of housing against its housing requirements set out in the adopted development plan. The report detailed the calculation of the 5 year land supply, which gave the Council a 5

year housing target as at April 2013 of 8,612 homes, which equated to 1,722 homes per year. The Council was able to demonstrate a supply of only 4,387 deliverable homes for the 5 year period, which meant that the supply could not be considered up-to-date and, in accordance with the NPPF, there was a presumption in favour of sustainable development. Work was ongoing to establish a revised housing target for the Borough that was deliverable, but which also reflected the Council's ambitions for growth and prosperity. Also, in light of the 5 year housing supply position, it was proposed to make more locally specific site allocations.

The report also provided an update on a number of key policy areas, such as Employment, Affordable Housing, Rural Housing, Retail, Green Infrastructure (with 70% of land within the Telford urban area being retained as green space), Urban Design and Climate Change.

Cllr A.J. Eade (Conservative Group Leader) expressed concern that the lack of a definitive housing need figure for the Borough, meant that there was little that could be done to resist speculative developers building on green field sites. The development of the new Local Plan had taken too long, and needed to be in place as soon as possible in order to afford some protection from developers. In response, the Cabinet Member stated that since the commencement of the Local Plan process, the Government had 'moved the goalposts' in terms of the supply of housing land and the presumption in favour of "sustainable" development. Most Councils now found themselves in this position, with nationally a number of decisions against refusal of housing developments being overturned on appeal. Work was progressing as fast as possible on the Local Plan given the requirements for consultation etc. More information on a revised timetable was provided in the next item on the agenda. The Assistant Director: Planning Specialist added that work on strategic housing supply was being undertaken with consultants and neighbouring Authorities, and the results of the study would be published early in the New Year. In response to a question regarding the timetable for determining specific sites for development, the Assistant Director advised that Town and Parish Councils would be consulted early in the New Year on initial ideas, with a view to final decisions being taken in the middle of 2014.

RESOLVED –

- (a) that the approach to the Local Plan as set out in the report, and taking account of the update to the Local Development Scheme referred to at Minute CB-69, be approved;**
- (b) that the summary of comments document shown at Appendix 1 of the report be approved for publication on the Council's website.**

CB-69 TIMETABLE FOR SHAPING PLACES LOCAL PLAN- LOCAL DEVELOPMENT SCHEME

Key Decision identified as **Shaping Places Local Development Scheme** in the Notice of Key Decisions published on 14 November 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which sought approval for an updated timetable for the Shaping Places Local Plan.

The Local Development Scheme (LDS) provided a public timetable for the production of the Shaping Places Local Plan between 2013 and 2015. The previous version of the LDS was approved by Cabinet in February 2013, but changes were now required in the light of the issues referred to in the previous report on the agenda (see minute CB-68). As a result of recent decisions by Government and Planning Inspectors at appeal cases, it had recently been calculated that Telford & Wrekin had a housing supply of approximately 2.5 years. In view of this, it was important that specific sites were allocated within the new Local Plan to provide a deliverable supply of housing throughout the Plan period up to 2031. To enable this work to be undertaken, a revised timetable was outlined, which included formal public consultation on site allocation options, policies and growth strategy between April – June 2014. A copy of the amended LDS was appended to the report. Subject to Cabinet approval, the updated LDS would be published on the Council website.

In response to questions, the Cabinet Member stated that he understood the need to proceed as quickly as possible, but if corners were cut the Council would be vulnerable to having the Plan rejected by the Planning Inspectorate at the examination stage.

RESOLVED –

- (a) that the updated version of the Local Development Scheme be approved for publication;**
- (b) that authority be delegated to the Assistant Director: Planning Specialist, in consultation with the Cabinet Member: Housing, Development & Borough Towns, to amend the Annex to the Local Development Scheme in order to reflect minor changes.**

CB-70 ASSETS OF COMMUNITY VALUE

Non-Key Decision

Councillor E.A. Clare, Cabinet Member: Leisure Services & Culture, presented the report of the Assistant Director: Law, Democracy & Public Protection, concerning the establishment of a procedure to administer the Assets of Community Value provisions contained within the Localism Act 2011.

The Localism Act 2011 introduced a community ‘right to bid’ for land and buildings that were of value to the local community, by permitting them to have a period of time to make a bid to purchase the “asset” after an owner had indicated an intention to sell it. The local authority had the responsibility for administering the scheme, and a summary of the process was outlined in the report. It was proposed that the applications from community groups were

received and processed by the Assistant Director: Law, Democracy & Public Protection in line with the guidance and procedure appended to the report. If an application was accepted, the Council had to place the property on a Register of Assets of Community Value. The implementation of the legislation would result in some additional costs for the Council, including administrative costs and potential claims for compensation from landowners if there had been a loss or expense incurred as a result of the land having been registered.

RESOLVED –

- (a) that the Assistant Director: Law, Democracy & Public Protection establish a procedure to administer the Assets of Community Value process in accordance with statutory requirements;
- (b) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to receive and determine applications for land to be registered as assets of community value.

CB-71 EXCLUSION OF PUBLIC AND PRESS

RESOLVED – that the public and press be excluded from the meeting for the following item of business on the grounds that it may involve the disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**CB-72 BUILDING SCHOOLS FOR THE FUTURE PROGRAMME –
APPROVAL TO SUBMIT SIX FINAL BUSINESS CASES AND
ENTER INTO CONTRACT FOR REMAINING SCHOOLS
WITHIN THE ACCELERATED BSF PROGRAMME**

Key Decision identified as **Building Schools for the Future Programme** in the Notice of Key Decisions published on 14 November 2013.

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Education & Corporate Parenting, which updated Members on the Building Schools for the Future (BSF) programme in Telford & Wrekin.

The Education Funding Agency (EFA) had indicated an acceleration of the programme, which meant that for the Council to retain the BSF funding for the remaining six schemes, it would need to have reached the Final Business Case (FBC) stage for all remaining schemes by the end of 2013. This was an extremely challenging deadline, and thanks were expressed to all Officers involved on the project, and to the contractors (Shepherd Construction) for all the work that had been done to ensure the deadline was met. The EFA had agreed some conditionality regarding the submission, and dialogue was continuing to take place.

The programme was deliverable within the finances that had been agreed, and full details of the funding arrangements and Design and Build contract costs were provided within the report. Part of the funding would come from the disposal of a number of existing school sites that were being replaced by new build sites as part of the BSF programme. Approval to dispose of these sites had been secured from the EFA/Secretary of State. To meet tight timescales and avoid delay, it might be necessary to require the contractors to undertake enabling works (via an Early Works Agreement) prior to the contract start dates. Any Early Works Agreements would not be undertaken until the FBC had been approved.

RESOLVED –

- (a) that authority be delegated to the Assistant Director: Education and Corporate Parenting in consultation with the Cabinet Member for Children, Young People and Families, to formally submit Full Business Cases (FBC) for:
Lakeside Learning Community, comprising the Lakeside Academy and Grange Park Primary School (Lakeside);
Telford Co-operative Academy (TCA);
Burton Borough School;
Adams' Grammar School;
Holy Trinity Academy (HTA) and
Charlton School;
and subsequently be authorised to award, upon the satisfactory approval of the FBC and the release of the funding, Design & Build contracts for each school to Shepherd Construction Limited, and to finalise and agree all related contract and property related documents including the Development Agreements and contracts with the relevant Academies, foundation schools and landowners for various land acquisitions, exchanges, leases, joint use agreements and any other ancillary related agreements/documentation;
- (b) that authority be delegated to the Director: Development, Business and Customer Services, in consultation with the Cabinet Member for Children, Young People and Families, to finalise and agree early works agreements with Shepherd Construction Ltd, if necessary, on any or all of the BSF schemes referred to in the report, prior to signing the main Design & Build Contracts for each of them, and in each instance for up to a maximum value of £500,000 per scheme.
- (c) that authority be delegated to the Director: Development Business and Customer Services, in consultation with the Cabinet Member for Finance & Enterprise, to negotiate and enter into any agreement to maximise the receipt from the land sales as referred to in paragraph 4.3 of the report;

- (d) that authority be delegated to the Assistant Director of Law, Democracy & Public Protection to execute all necessary contract documentation in accordance with the Constitution, including the affixing of the Common Seal of the Council as appropriate.

The meeting ended at 6.19 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & Public Protection
Date: 17 December 2013

Signed:

Date: