

BOROUGH OF TELFORD & WREKIN

Minutes of a meeting of the Borough of Telford & Wrekin held on Thursday, 21 November, 2013 at 6.30 p.m. at The Refectory, TCAT, Wellington, Telford.

PRESENT:

Councillors S. Bentley, K.T. Blundell, F.M. Bould, S.P. Burrell, E.J. Carter, E.A. Clare, D.G. Davies (Speaker), S. Davies, N.A. Dugmore, A.J. Eade, C.B.A. Elliott, A.R.H. England, R.C. Evans, I.T.W. Fletcher, V.A. Fletcher, G.M. Green, E.J. Greenaway, K.R. Guy, T.J. Hope, M.B. Hosken, M.G. Ion, A.S. Jhawar, A. Lawrence, C.N. Mason, A.A. Mackenzie, A.D. McClements, W.A.M. McClements, J.C. Minor, C.P.R. Mollett, L.A. Murray (Mayor), R.A. Overton, F.R. Picken, J. Pinter, G.C.W. Reynolds, S.A.W. Reynolds, H. Rhodes, K.S. Sahota (Leader), R.G. Scammell, R.J. Sloan, C.F. Smith, M.J. Smith, A.J. Stanton, B.J. Thompson, K.L. Tomlinson, W.L. Tomlinson, C.R. Turley, P.R. Watling and D.R.W. White.

43. TRIBUTES TO FORMER COUNCILLORS BILL MILLER AND MARGARET HOBBS

The Speaker told the meeting that two former councillors had sadly passed away since the last meeting of the council. Councillor Bill Miller, formerly Borough councillor for Hadley, had also been a Hadley & Leegomery Parish Councillor. He was very active in the local community and was Treasurer of Haybridge Hall Residents Association, Vice President of Hadley United Services Club and Vice President of Hadley & District Orpheus Male Choir. Councillor Malcolm Smith led the tributes to Councillor Miller with a number of other councillors adding their tributes.

Margaret Hobbs had served on Wrekin District council and been Wellington Town council's first female Mayor and a great supporter of the town of Wellington. Councillor Miles Hosken led the tribute to Councillor Hobbs with a number of other councillors adding their tributes.

The meeting observed one minutes silence to mark the passing of Councillors Miller and Hobbs.

44. MINUTES OF THE COUNCIL

RESOLVED – that the minutes of the Council Meeting held on 12 September 2013, be confirmed and signed by the Mayor.

45. APOLOGIES FOR ABSENCE

Councillors Keith Austin, Nathan England, Terry Kiernan, Jackie Loveridge, Adrian Meredith and Jacqui Seymour.

46. DECLARATIONS OF INTEREST

Councillor Rob Sloan declared an interest in Agenda item 12 b) the motion on work capability assessments. The Speaker noted that Councillor Sloan would leave the

room prior to this item being debated. Councillors Arnold England and Mike Ion declared interests in agenda item D the Youth Justice Plan. Councillor Stephen Burrell declared an interest in question 3 on Adult Social Care.

47. LEADER'S REPORT & ANNOUNCEMENTS

a) ESF Equal Opportunities Mainstreaming Leader Award 2013

Councillor Kuldip Sahota, Leader of the council, presented the award to Karen Harrison, Richard Shaw and Mark Purcell from the Skills team. The award recognised work completed on the Turnaround project which provided essential life skills to 16-18 year olds.

b) Leader's Report

The Leader told the meeting that the council had been working with the MoD for nearly two years to look at how the Donnington site, which employs more than 1,000 people, could be developed to meet the requirements laid down for MoD's National Defence Gateway logistics base. As a result, in the next few weeks the council would be submitting a major planning application for buildings of about one million square feet on land next to the Donnington site to show that it can deliver the MoD's requirements.

This was another example of the council's business-winning approach which had allowed the council to provide an excellent value solution to the MoD for their future national logistics requirements and would provide a real boost for the economy. If the bid was successful and planning permission gained, the Telford base could again become a main centre for the MOD's logistics operation in the UK. This would not only protect existing jobs at Donnington but also attract new jobs to the Borough.

The first phase of the Southwater development was nearing completion. Eric Pickles, Secretary of State for Communities and Local Government had recently visited the development and he had been very impressed by the unprecedented level of investment.

Unemployment was falling in the Borough but youth unemployment remained above both the regional and national average. The administration had committed to freezing council tax for the next two years in order to help the hard pressed taxpayers of the Borough. A new waste contract would commence in 2014 with Veolia which would provide better value and increase the level of recycling in the Borough. A massive £450m investment had been made in the Borough's roads with work starting on improvements to the Town centre box road. The Leader apologised for the short term impact of this work but believed that improvements to the road network would deliver growth for the town.

48. MAYOR'S ANNOUNCEMENTS

Announcements

Members received the report of Mayoral engagements undertaken since the last meeting of the council on 12 September 2013. The Mayor, Councillor Leon

Murray, told the meeting that he had enjoyed a very good day at the West Midlands Ambulance Service Awards, He also noted his attendance at a number of Macmillan coffee mornings, including a foster carers event. He had particularly enjoyed his visit to the Institute of Revenues Rating & Valuation Annual Conference and Exhibition at Telford International Centre.

49. PUBLIC QUESTIONS

No valid questions received.

50. CABINET DECISIONS MADE SINCE THE LAST MEETING OF THE COUNCIL

Members received the report on the Cabinet decisions made since the last meeting of the Council on 12 September 2013.

In response to a question on item 2.1.1 of the report, relating to the Solar Farm project, Councillor Bill McClements, Cabinet Member: Finance & Enterprise confirmed that the recent changes to government subsidies would be considered as part of any feasibility work on this project.

In response to a question on item 2.2.2, Councillor Bill McClements, Cabinet Member: Finance & Enterprise did not believe that rural areas of Telford received less support than those in Shropshire for the provision of high speed broadband. Two years earlier the council had looked at a proposal to join with Shropshire in providing rural broadband. Proposed costs had been prohibitive and the joint project had not gone ahead.

In response to a question on item 2.1.8 of the report, relating to Scrap Metal Dealers Act (2013) Councillor Richard Overton, Cabinet Member: Public Health & Public Protection agreed that there was a balance between recovering the full administration cost and pricing to make sure that the market was competitive in Telford.

In response to a question on item 2.1.6 of the report, Councillor Paul Watling, Cabinet Member: Children, Young People & Families, confirmed that all options on access to the Telford Co-operative Academy would be considered. However, the BSF budget was limited.

51. RECOMMENDATION FROM CABINET

a) Youth Justice Plan

Councillor Paul Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Family & Cohesion Services which sought approval for the annual Youth Justice Plan.

The plan set out how youth justice services across West Mercia were structured and identified key actions to address identified risks to service delivery and improvement.

Following a vote it was:

RESOLVED – that the Youth Justice Plan be approved

b) Financial Monitoring 2013/14

Councillor Bill McClements, Cabinet Member: Finance & Enterprise presented the report of the Assistant Director: Finance, Audit & Information Governance which sought approval; to changes to the capital programme.

RESOLVED – that the changes to the capital programme shown in section 1 of the report be approved.

52. RECOMMENDATIONS FROM BOARDS AND COMMITTEES

(a) 17 September Audit Committee

Speak Up Policy

Councillor Rob Sloan, Chairman of Audit Committee, presented the recommendations from the meeting held on 17 September 2013 in relation to revisions to the Speak Up Policy

RESOLVED – that the revised Speak Up Policy incorporating the changes outlined in paragraphs 5.1 to 5.3 be approved

c) 7 November Council Constitution Committee

Councillor Malcolm Smith, Chairman of Council Constitution Committee, presented the recommendations from the meeting held on 7 November 2013 in relation to changes to terms of reference of Health & Well Being Board and Audit Committee and to changes to functions of the Chief Financial Officer, Policy Framework, Budget Procedure Rules and Financial Regulations.

RESOLVED : –

- (a) That the terms of reference of the Health and Wellbeing Board, as shown at Appendix 1a of the report, be approved,**
- (b) That the amendment to the terms of reference of the Audit Committee, as shown at Appendix 2 of the report, be approved;**
- (c) That the Functions of the Chief Financial Officer, the Policy Framework and Budget Procedure Rules, and the Financial Regulations be approved;**

53. MINUTES OF BOARDS & COMMITTEES

Council noted the resolved minutes of Boards and Committees:

Audit Committee	17 September
Boundary Review Committee	4 & 26 September
Budget & Finance Scrutiny Committee	3 September
CYP Scrutiny	15 August
Health & Adult Care Scrutiny Committee	12 August
Health & Wellbeing Board	18 September
Housing Economy & Infrastructure Committee	1 November
Licensing Committee	18 September
Planning Committee	4 & 25 September & 16 October

54. QUESTIONS

The following Questions were asked in accordance with Council Procedure Rule 10:

- a) Councillor John Thompson asked the following question of the Leader of the Council

“Can I ask the leader of the council if he is aware of the possible cuts of nearly two million to the Shropshire Fire service? “

The Leader confirmed he was aware of the very difficult budget situation facing the Fire Authority. He believed the funding problem was partly caused by the county of Shropshire being predominantly rural and receiving less funding as a result. The Leader was fully supportive of lobbying to protect the fire authority’s budget.

- b) Councillor Amrik Jhawar asked the following question of the Leader of the council

“Can the Leader give an update on the Council’s campaign against potential closure of 24 hour Accident & Emergency at Princess Royal Hospital and whether he has heard from the Secretary of State for Health, Jeremy Hunt MP?”

The Leader replied that all three group leaders had written to the Health Minister asking for a guarantee that services would be protected. He had received no response and had written again in October but no response had been received.

Councillor Jhawar asked a further question.

“How long does it normally take to receive a reply from a Minister?”

The Leader did not know in this case as he awaited a reply.

Prior to the next question Councillor Stephen Burrell left the room.

c) Councillor Jane Pinter asked the following question of Councillor Arnold England, Cabinet Member: Adult Social Care.

“Would the Cabinet member for Adult Social Care report on measures to combat the funding shortfall from the CCG in the provision of Adult Social Care in the Borough?”

Councillor England replied that there were very significant financial pressures with a budget reduced from £13.9m to £2.3m in three years, £8.5m of costs transferred to the council. The position was not sustainable and it was disappointing that the CCG did not recognise the position. Adult Social Care was poorly funded in Telford & Wrekin, adults and the elderly got a poor deal from the NHS. The council would make representations to Westminster if the Borough did not receive adequate funding. In Telford & Wrekin 17 people per 50,000 of population received Continuing Health care support from the NHS The average UK figure was 57 per 50000 and Shropshire’s figure was 66 There was no evidence that adults were 3 times fitter in the Borough than the national average. The position was a scandal.

Councillor Pinter asked a further question

“What are the wider impacts of the CCG underfund in Telford & Wrekin?”

Councillor England replied that Care providers accounted for 77% of budgets. People were living longer. Every care package was being reviewed in order to look to reduce costs. Spending was being reduced due to CCG funding.

Prior to the next question Councillor Burrell returned to the room.

d) Councillor Stephen Bentley was due to ask the following question of Councillor Shaun Davies, Cabinet Member: Neighbourhood Services Employment & Skills.

Can Councillor Davies confirm that as part of the new waste arrangements, he intends the further closure of recycling centres in addition to those he has already shut in the Borough, which will reduce community access and increase car journeys across Telford and Wrekin?

Councillor Bentley withdrew this question

e) Councillor Stephen Bentley was due to ask the following question of Councillor Charles Smith, Cabinet Member: Housing, Development & Borough Town Development.

Can Councillor Smith tell us how he intends to fill the planning void when Council’s policies, as stated in the Development Control Framework, expire in 2016 and explain why more progress has not been made over the past two years?

Councillor Bentley withdrew this question.

- f) Councillor Andrew Eade asked Councillor Kuldip Sahota, Leader of the council the following question:

“Can Councillor Sahota confirm his support for full Accident & Emergency provision at both hospital sites following confusion within the Labour Group at the last Council meeting? “

Councillor Sahota replied that the motion had been clear and supported unanimously.

Councillor Eade asked a further question.

“Would the Leader inform us of his stance on the recently published Keogh report, whereby proposals would drastically affect the provision of Accident & Emergency services in Shropshire?”

Councillor Sahota re-iterated the council’s commitment to retaining A&E services within Shropshire.

55. NOTICES OF MOTION

- a) Councillor Kevin Guy moved, in accordance with Council procedure rule 11, the following motion:

“This council recognises the unique contribution that British Nuclear Test Veterans and their families, including residents of Telford & Wrekin, have made to the defence of the country. The Council calls on the government to officially recognise the sacrifice of the veterans and families impacted by nuclear tests conducted between 1952 and 1967, the establishment of a benevolent fund and enduring recognition of their service by the creation of a medal, or award, for participants of the test programme”.

The motion was seconded by Councillor Chris Turley

RESOLVED – that the motion be approved

- b) Councillor Derek White moved, in accordance with Council procedure rule 11, the following motion:

“This council calls on the Government to scrap the Work capability Assessments (WCA) with immediate effect and replace it with a safe and rigorous system which does not cause harm and distress to some of the weakest and most vulnerable residents of Telford and Wrekin.

Atos Healthcare, the private health firm who are responsible for carrying out the assessments, have been the subject of widespread criticism from the British Medical Association and many charities.

The Government are paying Atos Healthcare £110 million per year to carry out assessments on behalf of the Department of Works & Pensions. So many of the decisions are appealed that a further £60 million of public monies is being spent on administering these appeals.

We believe that these Work Capability Assessments are not fit for purpose, causing distress and anxiety to vulnerable people, with over 10,000 people having died shortly after undergoing the Atos WCA test, having been incorrectly assessed and told to return to work.”

The motion was be seconded by Councillor Richard Overton.

Councillor Derek White, proposing the motion, told the meeting that Atos were tasked with getting people off benefits. He believed that some of the reports concerning the approach used by Atos was very concerning and that he could not support the persecution of disabled people. Councillor Arnold England Cabinet Member: Adult Social Care had carried out his own internet research and was extremely concerned with some allegations concerning Atos. Councillor Andrew Eade believed that there was something wrong with the process of work capability assessments: The process should be fair and even handed to claimants and funded appropriately. Councillor Richard Overton Cabinet Member: Public Health & Public Protection knew of a number of cases where problems had occurred. People were suffering anxiety and stress due to a process that was not fit for purpose.

Following a recorded vote where all members voted unanimously in favour of the motion it was:

RESOLVED – that the motion be approved

- c) Councillor Andrew Eade moved in accordance with Council procedure rule ,the following motion.

“This Council welcomes the policy ‘u turn’ indicated by the current Administration’s promise to freeze council tax for the following two years in order to help hard pressed council tax payers in the Borough. However, this council also condemns the Labour Administration’s refusal to accept Government grants over the previous two years which would have kept £2.0 m in the pockets of our local community.”

The motion was seconded by Councillor Nigel Dugmore

Councillor Eade, proposing the motion, believed that the administration’s previous refusal to accept to accept government grants to freeze council tax had let down the local community. Councillor Bill McClements Cabinet Member: Finance & Enterprise replied that the government had now consolidated the grant in base funding and that the council was now in a position to cover £350k additional funding to freeze council tax. He believed that it was the government had taken money from the pockets of local residents. Councillor Angela McClements pointed

out that the government’s previous funding proposals were one-off funding with no guarantee that they would be available for future years. Councillor Bill Tomlinson, Leader of the Liberal Democrat/Independent group believed that previous government funding had not been guaranteed and that the administration had no real choice but to make the decisions they had done. Councillor Adrian Lawrence believed that increases in council tax caused hardship for residents and businesses. Following a vigorous debate a recorded vote was taken:

For: (13) Councillors Bentley, Burrell, Carter, Dugmore, Eade, I Fletcher, V Fletcher, Greenaway, Hosken, Lawrence, Mollett, Scammell, Stanton

Against: (34) Councillors Blundell, Bould, Clare, D.Davies, S.Davies, Elliott, England, Evans, Green, Guy, Ion, Jhavar, Mason, Mackenzie, A McClements, W McClements, Minor, Murray, Overton, Picken, Pinter, G Reynolds, S Reynolds, Rhodes, Sahota, Sloan, C Smith, M Smith, Thompson, K Tomlinson, W Tomlinson, Turley, Watling, White

Absent: (1) Councillor Hope

RESOLVED – that the motion not be approved

d) Councillor Stephen Bentley was due to move, in accordance with Council procedure rule 11, the following motion.
“This Council applauds the Governments proposed multi million pound funding package for the vital work undertaken in the Gorge at Ironbridge.”

The motion was to be seconded by Councillor Andrew Eade

The motion was withdrawn by Councillor Bentley

56. ANNUAL COUNCIL MEETING 2014

The European Parliamentary Regulations had recently been published and confirmed that the date for these elections will also be 22 May. It was proposed that Annual council be moved back by 1 week to 29 May 2014 and that the programme of meetings be amended accordingly.

RESOLVED – that the Annual Council meeting be held on Thursday 29 May 2014 and the programme of meetings amended accordingly

The meeting ended at 8.41 pm

Mayor:

Date:

MAYORAL ENGAGEMENTS
11th November 2013 to 12th January 2014

November	11	M	Armistice Day Service at the Remembrance Memorial, Telford Town Park, Telford
		M	Home-Start AGM at The Glebe Centre, Wellington
		M	Telford Police, Partners & Community Forum at Malinsgate Police Station, Telford Town Centre
	13	M	Citizenship Ceremony at the Registry Office, Wellington Civic Offices, Wellington
	14	M	Age UK Annual Conference, Greenhous Stadium, Shrewsbury
	16	DM	Christmas Fair Opening at The Rock Methodist Church, Rock Road, Telford
		DM	Donnington Bonfire at Broadoaks Field, Donnington, Telford
		DM	Mayor's Charity Race Night at The Belmont Hall, Wellington
	18	M	Opening of Pop Up Shop, New Street, Wellington
	22	M	Installation of New Chancellor at Harper Adams University, Edgmond
		DM	National Take Over Day at Addenbrooke House, Telford
		M	Christmas Light Switch On at Malinslee Centre, Malinslee
		M	Oakengates Christmas Celebration & Lights Switch on at Oakengates Theatre, Oakengates
		M	Christmas Fair Opening at Wellington Methodist Church, Wellington
26	M	UEFA Women's Under 17 Championships at AFC Telford Utd, Bucks Head, Wellington	

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- 28** **DM** Aldi Store Opening at Court Street, Madeley
- DM** New College Health Fair at New College, Wellington
- DM** Senior Citizens Forum Christmas Carol Concert at St Michael's Church, Madeley
- 29** **M** Dawley Christmas Lights Switch On at The Band Stand, High Street, Dawley
- M** The Shropshire Housing Alliance Charity Dinner at Wrekin Housing Trust, Colliers Way, Telford
- 30** **M** Mayor of Wem's Charity Christmas Ball at The Marquee, Palms Hill House, Wem
- December**
- 1** **M** Charity Cheque Presentation at Wellington Methodist Church, Wellington
- M** Advent Carol Service at Lichfield Cathedral, Lichfield
- M** Civic Carol Service at The Place, Oakengates
- M** Royal Mercian & Lancastrian Yeomanry Festive Lunch at the Officers' Mess, RMLY, Bridgman House, Telford
- 6** **M** Dawley Christmas Market at The Band Stand, High Street, Dawley
- M** Foster Carers Mince Pie Morning at Ramada Hotel, Telford
- M** Bridge House Day Care Centre visit at Wappenshall, Telford
- M** Lantern Festival at The Place, Oakengates
- 7** **M** Small Business Saturday at Church Street Nursery, Wellington
- M** Wrockwardine Wood & Trench Senior Citizens Xmas Party at Sutherland School, Gibbons Road, Trench

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- 8** **DM** Santa Fun Run at Telford Town Park, Telford
- M** Jade Singers Carol Service at St Peters Church, Priorslee
- 11** **M** Wolverhampton City Council VIP Pantomime Performance at The Grand Theatre, Wolverhampton
- M** Shropshire Fire & Rescue Service Festival of Carols at St George's Church, Frankwell, Shrewsbury
- 13** **M** VIP Pantomime Performance of Aladdin at The Place, Oakengates
- 14** **DM** Great Dawley Senior Citizens Christmas Party at The Park Inn, Telford
- M** T&W Arthritis Support Group Annual Christmas Party at Ramada Hotel, Telford
- 15** **M** Great Dawley Senior Citizens Christmas Party at The Park Inn, Telford
- M** Wellington Mayor's Carol Service at All Saints Church, Wellington
- 18** **M** Citizenship Ceremony at the Registry Office, Wellington Civic Centre, Wellington
- 19** **M** Adams' Grammar School Family Carol Service at St Nicholas Church, Newport
- 20** **M** Royal Mail Sorting Office Christmas Visits at Tweedale and Oakengates, Telford
- M** Belmont Hall Annual Christmas Lunch at Belmont Hall, Wellington
- 21** **M** Telford & Wrekin Singers Christmas concert at Holy Trinity Church, Hadley
- M** Diwali event Charity Cheque Presentation at Telford Cultural & Leisure Centre, Hadley
- January** **9** **M** Open Art Exhibition at The Gallery Bar, The Place, Oakengates

TELFORD & WREKIN COUNCIL

COUNCIL – 23rd January 2014

REPORT OF CABINET – FOR INFORMATION ONLY

MATTERS DETERMINED BY THE CABINET

1.0 INTRODUCTION

This report sets out those matters determined by the Cabinet at its meetings on 19th September 2013 and 17th October 2013.

2.0 CABINET BUSINESS

Matters that have been determined by Cabinet are listed below:

2.1 14th November 2013

- K 2.1.1 Service & Financial Planning 2014/15 – 2015/16
- K 2.1.2 Revised School Funding Formula 2014/15
- K 2.1.3 Need for Employment Land in Newport
- K 2.1.4 Designation of a Neighbourhood Plan Area for Waters Upton
- NK 2.1.5 Representation on Outside Bodies – Severn Gorge Countryside Trust
- K/E 2.1.6 Ironbridge Gorge World Heritage Site – Jackfield Stabilisation
- K/E 2.1.7 Disposal of Land off Pool Hill Road, Horsehay and Haughmond Court, Dothill

2.2 12th December 2013

- K 2.2.1 Financial Monitoring 2013/14
- K 2.2.2 Community Safety Partnership Plan 2013-2016
- K 2.2.3 Council Tax Support Scheme 2014/15
- K 2.2.4 Health & Social Care Integration
- K 2.2.5 Review of the Adult Care and Support Community Care and Assessment, Review and Eligibility Policies
- K 2.2.6 Shaping Places – Local Plan Update
- K 2.2.7 Timetable for Shaping Places Local Plan – Local Development Scheme
- NK 2.2.8 Assets of Community Value
- K/E 2.2.9 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

2.3 9th January 2014

- K 2.3.1 Service & Financial Planning 2014/15 – 2015/16
- K 2.3.2 'Everyday Telford – Pride in your Community' – Investing in our Infrastructure and Communities
- K 2.3.3 Tackling Youth Unemployment – Our Commitment

Key

- K = Key Decisions
- NK = Non-Key Decisions
- E = Exempt Items

2.0 DELEGATION OF

3.0 POWERS GRANTED BY THE CABINET

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
Need for Employment Land in Newport	Assistant Director: Planning Specialist	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 agree the necessary amendments when received from the consultants.
Ironbridge Gorge World Heritage Site – Jackfield Stabilisation	Assistant Director: Neighbourhood & Leisure Services Assistant Director: Law, Democracy & Public Protection	In consultation with the Deputy Leader & Cabinet Member for Public Health & Public Protection, that, subject to the tenders being affordable within the approved funding and the confirmation of Government grant funding, 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. To execute all necessary documentation, including the affixing of the common seal of the Council to contractual documentation as appropriate.

<p>Disposal of Land off Pool Hill Road, Horsehay and Haughmond Court, Dothill</p>	<p>Assistant Director: Development, Business & Employment</p> <p>Assistant Director: Law, Democracy & Public Protection</p>	<p>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.</p> <p>to seal or sign any documents required to give effect to the resolution.</p>
<p>Timetable for Shaping Places Local Plan – Local Development Scheme</p>	<p>Assistant Director: Planning Specialist</p>	<p>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.</p>
<p>Assets of Community Value</p>	<p>Assistant Director: Law Democracy & Public Protection</p>	<p>To receive and determine applications for land to be registered as assets of community value.</p>
<p>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</p>	<p>Assistant Director: Education and Corporate Parenting</p>	<p>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</p>

	<p>Director: Development, Business and Customer Services</p> <p>Director: Development Business and Customer Services</p> <p>Assistant Director: Law, Democracy & Public Protection</p>	<p>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;</p> <p>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.</p> <p>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</p> <p>To execute all necessary contract documentation in accordance with the Constitution, including the affixing of the Common Seal of the Council as appropriate.</p>
<p>Service & Financial Planning 2014/15 – 2015/16</p>	<p>Assistant Director: Family, Cohesion & Commissioning</p> <p>Assistant Director: Law, Democracy & People Services</p>	<p>In consultation with the Cabinet Member: Adult Social Care, to enter into the appropriate Section 256 and Section 75 Agreements under the NHS Act 2006 with various NHS bodies</p> <p>To execute all necessary contract documentation in accordance with the Constitution, including the affixing of the common seal of the Council as appropriate to enable the Council to enter into appropriate Section 256 and Section 75 Agreements under the NHS Act 2006</p>

<p>Tackling Youth Unemployment</p>	<p>Assistant Director: Development, Business & Employment</p>	<p>In consultation with the Cabinet Member: Neighbourhood Services, Employment & Skills, to award any contracts necessary to deliver the actions set out in the report</p>
<p>LEGAL COMMENT FINANCIAL COMMENT LINKS WITH CORPORATE PRIORITIES RISKS AND OPPORTUNITIES ENVIRONMENTAL IMPACT EQUALITY & DIVERSITY WARD IMPLICATIONS</p>	<p>As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council</p>	

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.

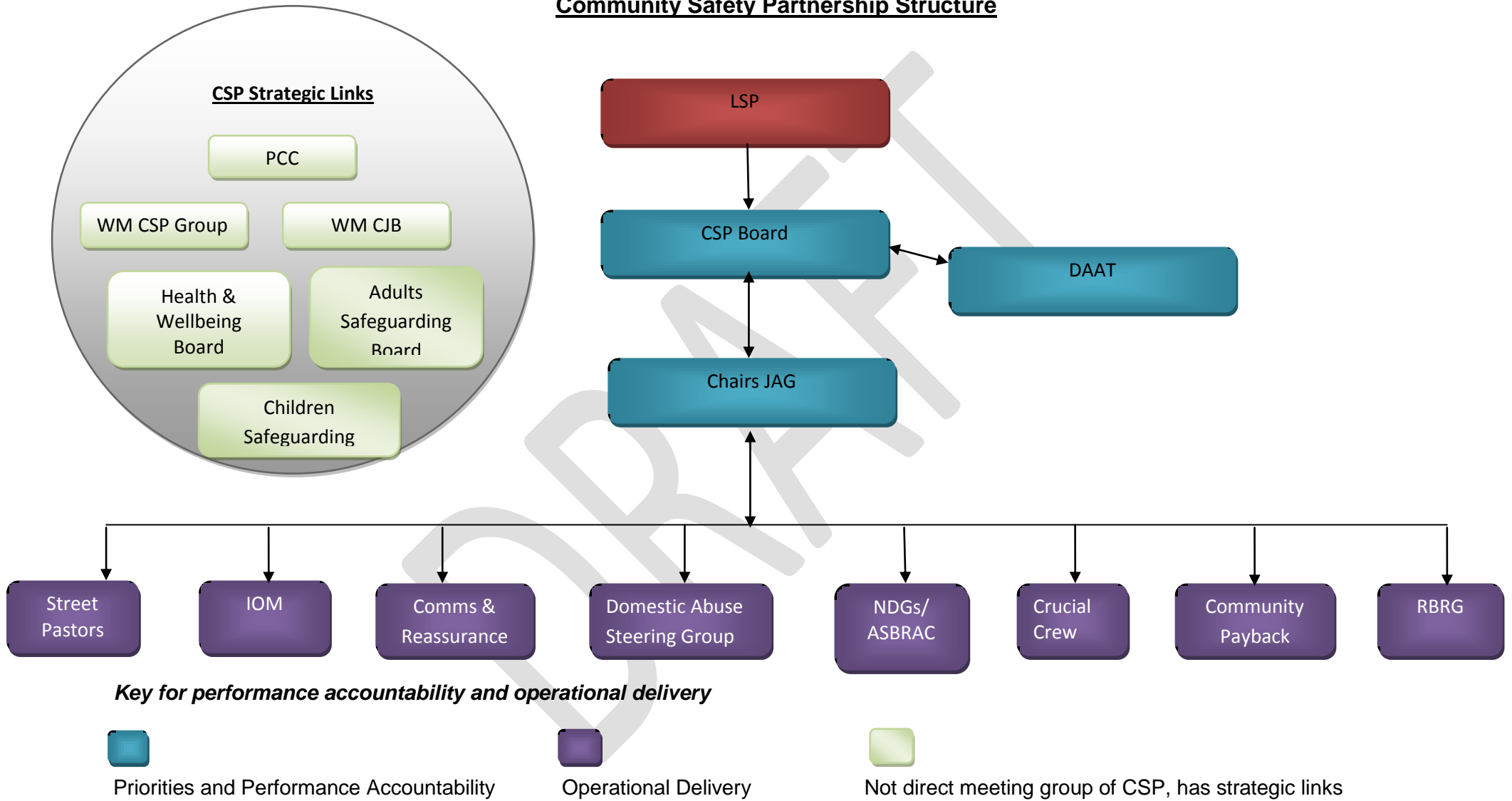
The priorities have also been referenced against the Police and Crime Commissioners (PCC) priorities to ensure that our local approach is feeding into the wider West Mercia plan.

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

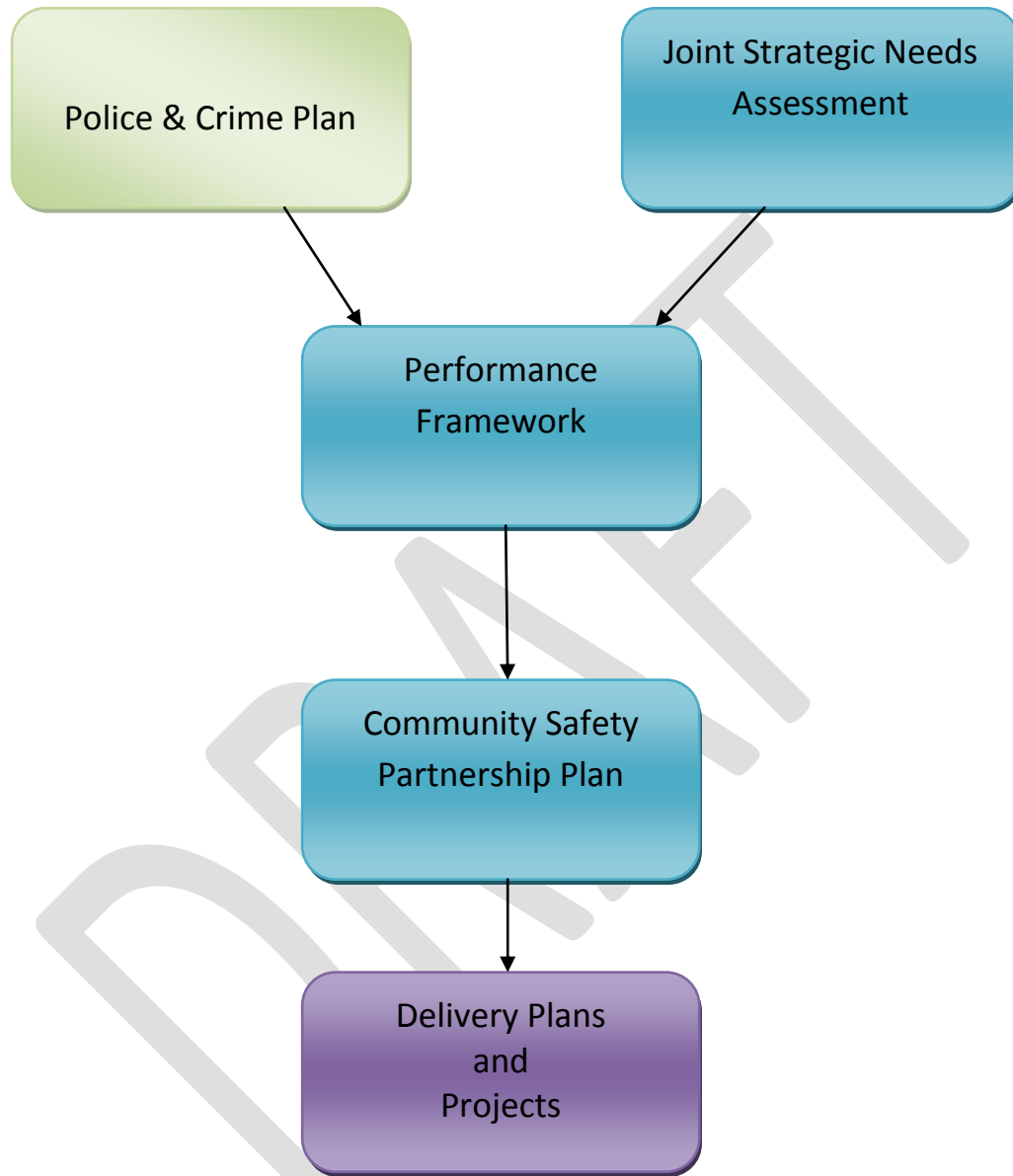
This is an overall Delivery Plan for Communications and Reassurance, individual action plans will be developed by the group. This demonstrates the CSP Priorities that Communications and Reassurance are required to deliver on and what actions/work programmes will support this. Chairs of the groups will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



Contacts:

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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 E at agenda item 8ii) can be accessed from the Council's website at the following link: <http://apps.telford.gov.uk/demservice/agenda.asp?reference=1188>

- 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=1188>
- Appendix C – Discretionary Housing Payments and Council Tax Support Hardship Policy (approved February 2013)
- Appendix D – Community Impact Assessment (undertaken November 2012)

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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 (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - 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 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. who does not have capital 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;
- f. who does not have capital above £16,000; and
- g. 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 *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 universal credit 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, his partner, is a person on income support, on income-based jobseeker's allowance or

¹ Section 5 of this scheme

- an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
 - d. is not deemed to be absent from the dwelling;
 - e. 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 reduction² amount can be calculated;
 - g. not have capital savings above £6,000³ (£16,000 for protected groups as defined with paragraph 2A.1);
 - h. 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
 - i. 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. 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. 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 reduction⁸ amount can be calculated;
- g. not have capital savings above £6,000⁹ (£16,000 for protected groups as defined with paragraph 2A.1);
- h. 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*¹⁰ is **more** than their (living allowances) *applicable amount*¹¹;
- i. have made a valid application for support¹²;
- j. 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

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

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

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

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 of 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 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

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

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 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 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.

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

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

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

5.1 This scheme 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 treated as not being in Great Britain and Persons Subject to Immigration Control

Persons treated as not being in Great Britain

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within 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 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 2004/38/EC;
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); 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 paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations(5) as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-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 who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.

- (f) a person who has humanitarian protection granted under those rules;
- (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;
- (h) in receipt of income support, an income-based jobseeker's allowance or on an income-related employment and support allowance; or
- (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession State national subject to worker authorisation")

7.6 A person falls within this 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 regulation—
"claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
"Crown servant" means a person holding an office or employment under the Crown;
"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and
"Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9

7.11 "Person subject to immigration control" has the same meaning as 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 the 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—
- a. 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;
 - b. 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
 - c. 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—
- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
 - b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
 - c. 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—
- a. the date that leave ends;
 - b. 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
 - c. 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
- a. '**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
 - b. '**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;

- a. who has, or
 - b. 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, 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;

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

- 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—

$$\frac{A - (B \times C)}{D}$$

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 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, $\text{£}11.25 \times 1/7$;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}3.70 \times 1/7$.

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 $\text{£}188.00$, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than $\text{£}188.00$, but less than $\text{£}326.00$, the deduction to be made under this section shall be $\text{£}7.45$;
- (c) not less than $\text{£}326.00$, but less than $\text{£}406.00$, the deduction to be made under this section shall be $\text{£}9.40$;

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

- 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
- (c) set out the circumstances a change in which might affect entitlement to the

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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. For the purposes of this scheme a Local Authority Information Document (LAID) or Local Authority Customer Information document (LACI) issued by the Department for Work and Pensions shall be treated as a valid claim.

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 69.9 (1) Where an applicant;
- (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;

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
- (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.

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 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

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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 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 case may be, receive benefit on his behalf; or

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (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).

78.0 Persons to whom support is to be paid³¹

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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
- (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.

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



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 for 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	£72.40
b) is aged not less than 25	£72.40
c) is aged not less than 18 but less than 25	£57.35
2. Lone Parent	£72.40
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£113.70
b) Where one member is aged not less than 18	£113.70
c) Polygamous Addition	£41.30

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;	£66.33
(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.	£66.33

(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, £22.20;
 - b. in any other case, £17.45;

Premiums

4. Except as provided in paragraph 5, the premiums specified in 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 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
 - 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	£31.85
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	£45.40
Severe Disability Premium	£61.10
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	£61.10
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	£122.20
Disabled Child Premium	£59.50 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	£34.20 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) £24.08 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) £15.55 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) £22.35 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.
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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 £28.75. The amount of the support component is £35.75.

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 £185.00 per week; - 15 per cent of the council tax due in respect of that day;</p> <p>is not less than £185.00 per week but less than £241.00 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.

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 reduction 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; or
- (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 **detract** 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**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 The Financial Monitoring report to Cabinet in December showed overall revenue spending projected to be within approved budgets and provided an update on progress on capital programme spending. The report also highlighted some new capital allocations, slippage and virements and which require formal approval by Full Council.

1.2 SUMMARY

The detailed approvals required by Council are:

New Allocations		
	13/14 £	Comment
Improve Local People's Prospects through Education & Skills Training		
All Other School Schemes	21,183	External
Ensure that Neighbourhoods are Safe, Clean and Well Maintained		
Box Road	1,121,000	DFT Grant Malinslee Roundabout-Local Pinch point fund
Jiggers Bank Stabilisation	8,000	Prudential - additional allocation based on revised forecast for Jiggers Bank Stabilisation
Jiggers Bank Stabilisation	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
Regenerate Neighbourhoods in Need to Ensure that Local People have access to Hsg		
Housing	110,000	Capital Receipts recommended for approval at full council by Cabinet 19/9/13. Temporary Accommodation
Protect & Support our Vulnerable Children & Adults		
Social Care Capital Grant	232,371	Grant additional in year allocation
Total New Allocations	1,606,554	

Virements		
	13/14 £	Comment
Ensure that Neighbourhoods are Safe, Clean and Well Maintained		
Leegomery Local Centre BTI	-5,000	SCE (C) Capital Maintenance Grant
Improve Local People's Prospects through Education & Skills Training		
All Other School Schemes	5,000	SCE (C) Capital Maintenance Grant - Madeley Court Academy Demolition Costs

Slippage				
Scheme	13/14 £	14/15 £	15/16 £	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 Neighbourhoods in Need 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
Protect & Support Jobs as a Business Support, Business Winning Council				
ICT Social Care Review	-200,000	200,000		Prudential
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
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
Total Slippage	-26,911,854	26,911,854		

2.0	<u>RECOMMENDATIONS</u>
2.1	Members are asked to approve the changes to the capital programme shown in section 1 above.

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Delivery of all priority objectives depend on the effective use of available resources.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	The capital programme will be immediately updated to reflect the new approvals.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	Financial impacts arising from this report will be reflected in future financial monitoring reports and built in to the final service and financial planning strategy for 2013/14 and beyond
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	Borough Wide

4.0 PREVIOUS MINUTES

- 07/03/13 – Full Council, Service & Financial Planning Strategy
- 12/12/13 – Cabinet, 2013/14 Financial Monitoring

PART B) – ADDITIONAL INFORMATION

There is no additional information.

5.0 BACKGROUND PAPERS

2013/14 Budget Strategy / Financial Ledger reports

Report Prepared by:

Ken Clarke, Assistant Director: Finance, Audit & I.G. (C.F.O.) – 01952 383100; Pauline Harris, Finance Manager – 01952 383701

TELFORD & WREKIN COUNCIL

COUNCIL MEETING – 23 JANUARY 2014

SETTING OF THE COUNCIL TAX BASE FOR 2014/15

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

LEAD CABINET MEMBER: CLLR BILL McCLEMENTS

PART A – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

To determine the Council Tax Base for General and Special Fund purposes for the financial year 2014/15.

2. RECOMMENDATIONS

That the calculation of the tax base for 2014/15 as at paragraph 5.6 and Appendix 1 be approved.

In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 (SI 2012:2914), the amount calculated for Telford and Wrekin Council Tax base for 2014/15 for its Special Fund Area shall be as per the appropriate parish amounts detailed in Appendix 1 for the parishes listed in paragraph 5.7.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT Do these proposals contribute to specific priority plan objectives?

Yes/No All priorities. Setting the council tax base is a legal requirement and is needed to calculate council tax levels for 2014/15 and therefore directly supports the delivery of all Council priorities.

Will the proposals impact on specific groups of people?

Yes/No Council tax payers

**TARGET
COMPLETION /
DELIVERY DATE**

The setting of the Council Tax Base is the first stage in the process of setting the Council Tax for 2014/15. Final recommendations on council tax levels will be presented to Full Council on 27th February 2014.

FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	Used in determining the Council Tax to be charged in 2014/15.
LEGAL ISSUES	Yes/No	The legal requirements relating to the setting of the Council tax base are set out in the main body of this report. The Council has a statutory obligation to set the Council Tax Base by 31 January 2014 to enable the level of Council Tax to be then set within the statutory timescales (paragraph 4.3 of this report). As part of this calculation the Council must also estimate the aggregate sums of the amounts which are likely to be paid during the relevant financial year as described in this report. In summary the Council has the power and the duty to set the Council Tax Base in the way described in this report.
OTHER IMPACTS, RISKS AND OPPORTUNITIES	Yes/No	The opportunities and risks associated with the report have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified..
IMPACT ON SPECIFIC WARDS	Yes/No	

PART B – ADDITIONAL INFORMATION

Council Tax Base

- 4.1 This is the second year for the Tax Base to be set including Council Tax Support . The amendments to Exemptions agreed as part of last year’s report will remain in place.
- 4.2 In order to determine the appropriate Council Tax levels for the area, it is necessary for the Council to determine the tax base for its area or part of its area. The budget requirements of the various precepting authorities are divided by this figure to arrive at the Band D equivalent level of Council Tax.
- 4.3 The tax base for 2014/15 must be set by Full Council between 1 December 2013 and 31 January 2014 as prescribed by section 8 of the Local Authorities (Calculation of Council Tax Base) Regulations 2012 (SI 2012:2914). The figures used for tax base allow for the continuation of the resolutions in respect of reduced discounts for empty properties and second homes agreed previously.

5. COUNCIL TAX BASE INFORMATION

- 5.1 As members will be aware, the Council Tax is a banded capital value based property tax.

5.2 The main features of the tax are:-

- Each domestic property is allocated to one of 8 bands depending on its capital value which has been set by the Valuation Office Agency.
- Section 5 of the Local Government Finance Act 1992 sets out the range of property values within each band. Associated Regulations determine the relationship between the tax rates for each band.
- A 25% discount from the full charge is available for single adult households. Certain categories of resident are disregarded in deciding the number of adult residents. These include students, student nurses, youth training trainees, the severely mentally impaired etc. Qualifying criteria must be met before discounts or disregards are allowed.
- A reduction equivalent to one council tax band is available where a resident of a dwelling is disabled and certain facilities are required for meeting the needs of that disabled person. For Band A properties the reduction is equivalent to 1/9th of the Band D Charge so the charge for such a Band A dwelling is 5/9ths rather than the usual 6/9ths for a Band A property.
- Council Tax Support is applied to the council tax base as a discount that varies depending on personal circumstances and this reduces the Council Tax Base.
- The grant system is intended to take account of differences in the needs and taxable capacity of each area.

5.3 The Council Tax Bands range from A to H and the details are as follows:-

Band	House Value (as at April 1991 prices)	Band D Proportion	Telford & Wrekin Properties Spread	% Increase/ Decrease for 14/15
	£	%	%	%
A	Under 40,000	66.7	37.02	-0.15
B	40,001 – 52,000	77.8	26.38	-0.01
C	52,001 – 68,000	88.9	14.97	+0.16
D	68,001 – 88,000	100.0	10.96	+0.02
E	88,001 – 120,000	122.2	6.30	-0.02
F	120,001 – 160,000	144.4	2.88	0.00
G	160,001 – 320,000	166.7	1.42	0.00
H	Over 320,000	200.0	0.07	0.00

5.4 Property Base

There are 70,516 properties in the valuation list for the Telford & Wrekin area. This compares with a figure of 69,916 in the list at the same time last year. There has been an increase of 600 properties, which equates to an increase of 0.86%. Overall there has been a decrease in the proportion of Band A, B and E properties and an increase in Band C and D properties, with the largest increase in Band C.

5.5 Council Tax Base

To arrive at the Council Tax Base, it is necessary to undertake the following calculation in respect of each tax band:

Total number of chargeable dwellings
(Less) Dwellings subject to discounts
=
Total equivalent number of properties
x
Ratio to Band D
=
Relevant Amount (Band D Equivalent)

The relevant amounts for each tax band are then aggregated to arrive at the total for the area.

Finally, an estimated Collection Rate needs to be applied to the resultant figure. This has to be common to the whole area and has to provide for amendments to the Council Tax Banding List, appeals against banding, additional discounts and losses on collection. Due to the changes as a result of Council Tax Support it is suggested that we continue to use a figure of 98%. Clearly every effort is taken to vigorously pursue all council tax due to the authority.

5.6 General Fund Tax Base

This is the estimated council tax base for the whole of the area and will be used by Telford & Wrekin to calculate its General Fund Council Tax levy and also by The Office of the Police and Crime Commissioner for West Mercia and the Shropshire and Wrekin Fire & Rescue Authority to calculate the levy in respect of their precepts.

The tax base for this purpose for 2014/15 is 45,206.4 (including 202.2 for contributions in lieu). Using an estimated collection rate of 98% (adjusted for 100% collection of contributions in lieu), the tax base is calculated as **44,306.3**. The detailed build up to this figure by parish is shown in Appendix 1.

5.7 Special Fund Tax Base

This is the estimated council tax base for the Special Fund area, i.e. those areas where Telford & Wrekin Council provides services which, in other areas, are provided by Town & Parish Councils. These areas are;

- Dawley Hamlets,
- Great Dawley,
- Hollinswood & Randlay,
- Lawley & Overdale,
- Madeley,
- Oakengates,
- St Georges & Priorslee,
- Stirchley & Brookside,
- The Gorge,
- Wellington and
- Wrockwardine & Trench.

The Council Tax Base for each can be found in Appendix 1.

As in previous years, for 2014/15 it will be necessary to have two levels of special fund tax. The first tax will be levied on all the parishes in the Special Fund area. The second tax will be levied on those parishes that have opted not to take over responsibility for street lighting in their area.

The Special Fund Council Tax will be set taking into account the services provided by each individual parish and taking account of the tax base for each parish.

6 PREVIOUS MINUTES

6.1 Council meeting 24 January 2013

7. BACKGROUND PAPERS

Local Government Act 2003

CLG Calculation of Council Tax Base Return (CTB1) October 2013

The Council Tax (Prescribed Classes of Dwellings)(England) Regulations 2003

Local Authorities (Calculation of Council Tax Base) Regulations 2012 (SI 2012:2914)

Local Government Finance Act 2012,

Report prepared by

Bernie Morris, Finance Team Leader (01952) 383702

Ken Clarke, Assistant Director: Finance, Audit & Information Governance (01952) 383100.

Parish	Band D
CHETWYND	233.4
CHETWYND ASTON & WOODCOTE	164.6
CHURCH ASTON	474.0
DAWLEY HAMLETS	2,002.8
EDGMOND	512.2
ERCALL MAGNA	540.6
EYTON	37.2
THE GORGE	1,217.5
GREAT DAWLEY	2,230.0
HADLEY & LEEGOMERY	3,594.3
HOLLINSWOOD & RANDLAY	1,271.3
KETLEY	1,050.5
KYNNERSLEY	74.0
LAWLEY & OVERDALE	2,083.8
LILLESHALL & DONNINGTON	4,012.9
LITTLE WENLOCK	226.5
MADELEY	3,659.3
NEWPORT	3,305.1
OAKENGATES	2,121.7
PRESTON	97.1
RODINGTON	328.2
ST. GEORGES & PRIORSLEE	3,562.7
STIRCHLEY & BROOKSIDE	2,109.1
TIBBERTON & CHERRINGTON	265.0
WATERS UPTON	371.0
WELLINGTON	6,028.7
WROCKWARDINE	1,380.1
WROCKWARDINE WOOD & TRENCH	1,352.7
	44,306.3

**BUDGET & FINANCE SCRUTINY COMMITTEE, JOINT MEETING WITH
CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE**

**Minutes of a meeting of the Budget & Finance Scrutiny Committee held at
6.30pm on Tuesday, 22nd October 2013 in Meeting Room 3, Darby House,
Telford.**

PRESENT: Councillors S. Reynolds (Chair Budget & Finance), M. Ion (Chair Children & Young People), N. Dugmore, R. Evans, K. Guy, A. Lawrence, C. Mollett, J. Pinter, G. Reynolds, and Co-optees A. Atkinson, F. Robinson and R. Williams.

Also attending: Cllr. W. McClements, Cabinet Member Finance & Enterprise; Cllr. P. Watling, Cabinet Member Children, Young People & Families; L. Johnston, Director Children and Family Services; S. Jones, Scrutiny Officer.

BFSC-19 MINUTES

RESOLVED – that the minutes of the meeting of the Budget & Finance and Co-operative & Communities Scrutiny Committees held on 3rd September 2013 be confirmed and signed by the Chairman.

BFSC-20 APOLOGIES FOR ABSENCE

Cllrs. K. Austin, G. Green and Co-optee S. Rayner

BFSC-21 DECLARATIONS OF INTEREST

None

BFSC-22 EARLY HELP AND SAFEGUARDING COST IMPROVEMENT PLAN

The Chair invited the Director to talk through the report on savings from the Cost Improvement Plan circulated as Appendix B1.

The report showed savings made in the four objective areas in the Cost Improvement Plan (CIP) to the end of August 2013 which were also reflected in the Children in Care Performance Dashboard circulated as Appendix B2.

1. Recruitment and Retention

The main overspend had been due to over-reliance on agency social workers. This had been tackled over the long term by recruiting NQs and training them up. The CIP target for agency social workers in April 2013 was 6, there had been 7.5 (variance of 1.5). The target for September 2013 was 3, there were 5 (variance of 3). It was still hoped that the target of none by March 2014 would be achieved.

There had been some issues with staff movement and maternity leave which had been absorbed without using agency staff. Cllr. Watling said there was a dual outcome from this stability – for the budget and for the children in care. It was not the same everywhere; other authorities still had a huge number of agency staff and he was pleased that the work force had been developed in Telford & Wrekin so that there were very few agency workers and that social workers wanted to work for Telford & Wrekin and to stay here. This was very positive. The Director said £275k had been saved from pulling back on agency social workers.

Points raised by members were:

- Cllr. Ion asked if the target should be “no more than x” rather than zero because realistically there would always be some need for agency cover. The Director disagreed – there had been agreement to recruit above establishment numbers and offer posts to the 5 Step Up to Social Work graduates to build in additional capacity. Cllr. Ion said the reduction in agency staff and the savings were good, but he felt zero was an ambitious target and questioned whether it was sustainable. Cllr. McClements said there would be changes with people leaving or taking maternity leave but additional capacity had been built into the establishment and this was cheaper than using agency staff who were double the cost. Cllr. Watling felt it was right to be ambitious and make Telford & Wrekin a good place to work. Cllr. Ion continued questioning whether the cost of additional staff would make the budget less sustainable over the long term. The Director said in the past services had run without agency staff and there had been quality issues associated with using agency staff.
- Cllr. Dugmore asked if agency staff could be used to manage the budget better. The Director said if you work out the average permanent need, it was cheaper and better to have a full permanent staff and better for managing the budget. Permanent staff were better, and half the price, and the need now was to reduce the caseload. Cllr. Watling said there had been a discussion at the regional Children & Young People Improvement Board about the option of authorities setting up their own community agency to avoid agency overhead costs and to quality assure agency staff. Cllr. Dugmore again asked if the budget could be managed better by using agency staff with no overheads for peak workloads. The Director said the staffing level was worked out projecting demand over the year and there was a fine balance. The service had not had the best experience with agency social workers. Regionally authorities were looking at the price of agency staff, how to share quality assurance information and how to reduce agency staff but still have a flexible service.
- Cllr. Guy asked whether there would be a surplus of staff hours if all the social workers were in, and the Director said the social workers were never all in and the additional staff had been brought in to meet demand.
- Cllr. Ion remained concerned about the zero target, and whether the additional capacity would build in extra cost over the long term and suggested that this was something that should be looked at.

2. Placement Strategy

This was about reducing the number of children in residential care as this would have the biggest hit on reducing costs. The report showed they were failing to get the numbers down. The CIP target was to reduce residential placements to 40 by April 2013, 32 by March 2014 and 30 with placement with the contract carer. The number was running consistently at 45 so the target was being missed. The savings column showed just under £1m would be saved by reducing to 32. Five young people had been stepped down from residential to foster care at a saving of £752k, but there had been 12 new admissions which had swallowed up the saving. The table was set out to reflect the work that was being done to move the young people out of residential care, but also to show new admissions.

Points raised by members were:

- Cllr. McClements said he was not a scrutiny member but wanted to ask if the new residential admissions were teens and if so, why. The Director said the majority were teens but there were a couple of younger children which was very unusual. They were mainly young people with severe psychological damage placed in highly therapeutic settings. Historically the number of children coming into care in Telford and Wrekin was well below statistical neighbour and regional levels, but the trend had increased. One hypothesis developed by staff who have been with the Council for many years is that the recent admissions were young people known to social workers who should have been brought into care much earlier and were now doing now what should have been done a long time ago. The trend now is to move young children more quickly into care or adoption. In terms of supporting families in crisis, the restructure in 2011 had looked at targeted services but they were not working as effectively as they should be – a new post had been created to mobilise targeted services and early intervention and an appointment would be made this week. Teens were very difficult and we are currently exploring Multi-systemic Therapy (MST). Cllr. Watling said MST was very expensive so they were working with other authorities. The Director explained MST had come over from the US and was intensive therapeutic support provided by a team of therapists working with a family. Children with challenging behaviour are often seen by the family as the problem when the behaviour could stem from issues within the family. MST is about changing the behaviour of the whole family and showing them that the child is not the problem – taking blame from the child. Essex used social impact bonds (payment by results) to fund MST and they were seeing numbers coming down. Reading had evidence of MST keeping about 30-35 children with their families. These are the young people with far too complex needs to be placed in foster care and who need residential care. Ways of wrapping more support around foster carers to enable them to look after children with more complex needs were also being looked at. Cllr. Watling said they were looking at everything – it was important not to lose any quality of service especially as Ofsted would revisit later in the year or next year. He was comfortable that the system changes were making a difference; there was better placement stability, children were being moved to permanence more quickly and adoption numbers were good.

- Mrs. Robinson asked if the Fostering for Adoption model which had come over from America was being considered. The Director said it was being looked at – there had been good outcomes – and internal foster carers were low cost and many tended to want babies. Cllr. Watling said there was a balance to be drawn because we need to keep our internal foster carers. Mrs. Robinson said some children can remain with a foster carer for a long time, and it could reduce time on the settlement period for adoptions. The Director said the joint Adoption service with Shropshire was very good at moving adoption proceedings, and the new national guidelines introduced by the government had reduced the care proceedings period to 26 weeks.
- Cllr. Ion asked about the 12 new residential admissions since April and how costs were projected - was it assumed all 12 would stay in care for 12 months. The Director explained that the projected cost is worked out on a child by child basis for the length of time each child is expected to be in care. Care Plans include the length of the placement and the expected end date. Some of the new residential admissions were from foster care. There were also savings from the contract carer who was employed as an employee to look after children who would otherwise be in high cost care.

3. Review approach/strategy for reducing children in care

This section included practice issues linked to reducing the number of children in care. Point 11 linked to the report on the Securing Permanency Group circulated as Appendix B5. The number of children subject to a Child Protection Plan correlated to the number of children taken into care, and the reduced rate of children on Plans should reduce the likelihood of care admissions.

Work was being done to reduce the average length of time spent in care which had increased over the last few years. Years ago, there had been a quicker churn rate, but children taken into care in recent years were more likely to stay in care long term. The aim now was try to move children safely out of care within 6-8 weeks and if this happened there was a better chance of the child staying at home.

Savings from shorter placements had to be balanced with the stability of the child. If a child is settled in a placement the decision to remove them back home is very difficult and moves take a long time to plan, but they were trying to move children to more cost effective placements and to reduce the time spent in care. Savings so far were minimal, but this was a difficult area and they would persist and be disciplined in changing expectations at the point a child comes into care.

Points raised by members were:

- Cllr. Dugmore wanted to know the average length of time spent in care. The Director did not have the figures to hand and they would be forwarded after the meeting. Reducing the average placement length by 6 weeks across the number of children in care would save a significant amount of money. The Dashboard showed new care episodes and cessations and there was a constant churn but the rate was not as high as it used to be and there was a

need to look at the reasons for this. 32.3% of the new episodes were young people aged 10-15 which were the most difficult and most expensive to place.

4. Utilise commissioning approach

Using commissioning to drive down costs was a relatively successful area. Efforts had been made to drive down unit costs of care which were reported on the Dashboard. The Queensway (previously known as Jigsaw) care contract had been retendered and savings had been made by reducing unit costs and purchasing 2 block beds (i.e. full-time) with the remaining beds spot purchased when needed so financial risk was shared with the provider. Cllr. Watling said HLC had taken over management of the (Jigsaw) school which had benefited from becoming part of the school's wider learning community. The Director said this had saved £144k on the contract this year and savings were expected to continue with no detriment to quality.

The overall position was that the £1.37m saving from work carried out had been cancelled out by the £1.396m cost of new admissions. The issue was that demand was not being controlled and targeted support needed to be mobilised. Targeted support was available through the out of hours service and the emergency duty team but there was no single manager working across both areas to mobilise help. Cllr. Watling said there had been service changes – for example there were now youth workers targeted to work alongside families to keep children safely at home. There had been a whole service change which had been difficult for staff, but the team were now really enjoying the new way of working and could see the effect.

There was a discussion on the following points:

- Cllr. S. Reynolds asked when the early intervention services would start impacting on numbers. Cllr. Watling said he believed they would. Nationally there had been cuts to early intervention and prevention budgets – the LGA was looking at this as a national issue – and local authorities were struggling to do what they needed to keep children from going over the edge. The Director and her whole team had worked very hard and the restructure was delivering. Radio Shropshire had featured some of the success stories - people who had benefited from intensive support and the Strengthening Families approach – and there was evidence that it was working. Cllr. Watling had been out with the family intervention team and had seen the relationships that social workers had built up with families – they had broken down the old mistrust and barriers which people used to have about social workers.
- Cllr. Dugmore wanted to know if we were using the eyes and ears of everyone, especially school staff who know the children very well and would notice if a problem manifested itself, whether they had a dedicated line for reporting concerns and whether social workers go in to schools. Cllr. Watling said Family Connect was the single point of contact for everyone and schools had said they found it useful. There was some good work going on in schools for example after the Coventry tragedy Holmer Lake Primary School had used their “Team Safeguarding Voice” which was to give the children a voice and to give them a clear picture of how adults can sound the alarm for them. He suggested the Children & Young

People Scrutiny Committee could look at how this could be rolled out – schools see children more than any other agency. The Director said there was a dedicated community social work team which links into other organisations working with children and young people to try to reduce the demand for high cost acute children’s services. The community team works in geographic areas and links into the early intervention teams. Their caseload is kept low so they have capacity for this work. Cllr. Watling said he was not prepared to cut costs on early intervention services which would avert costs later.

- Cllr. McClements noted that demand had risen by 5-6% this year which was above the rate of population growth. The number of relative carers had fallen by 10 over the last year and he wondered if this was a sign that families were less interested in looking after members of their own families. The Director said the number of relative carers changed as children grow up and come off the books or the carer is granted a Special Guardianship Order. Children looked after under a SGO are not reported on the Dashboard because the child is no longer in the authority’s care. There are no system costs for SGOs because child does not have a social worker. Cllr. McClements noted that the number of agency foster carers had not reduced and wondered whether there was a correlation between this and the fall in the number of relative carers.
- The Director referred to graphs tabled at the meeting which showed the trend in cost against budget over the previous 10 years for total placements and for each type of care. The graphs included central and overhead costs which were not built into costs reported on the Dashboard. The trend in Relative Carer costs over 10 years had started low, increased, dipped and then increased again. This could include some moving to SGOs. Cllr. Watling drew Members’ attention to the Total Placement graph which showed a balanced budget until 2008/09 when more children were taken into care. This was around the time of the Peter Connelly case and the increase was in line with national trends. There were children who should have been taken into care much earlier but weren’t, and this was now being seen in the increase in the number of teens coming into care.
- Cllr. Lawrence commented on the steady upward trend across all types of care and wanted to know why the budget assumed that this would not continue. He said the service was always planning for a reduction in demand and the mindset seemed to be that there would be a decrease. This was not borne out by the data - there had been an upward trend which was continuing with a 5-6% increase this year. He could see no reason why this would change and felt that the service should plan for an upward trend and the budget model should reflect the upward demand. He asked if we could produce a budget model which assumed a 5-6% increase in demand. Cllr. Watling said it was not a “budget” as such and the mindset was that it was better for children not to be in care and to move them back home but he agreed the point about how we set budgets they continued to have conversations. The Director said that if most of the children were in internal foster care there would be a budget surplus, and even more so if there was a reduction in the length of time in care. They were doing well – they had increased the number of internal foster carers except for carers to look after teens with more challenging behaviour. The Radio Shropshire breakfast show had featured some of the

young people in care talking about how they had come to respect their foster carers and how they had made a difference. The Hotshot Awards had also showcased the achievements of children and young people in care and how their lives can be turned around by foster carers. If we could get it right with the foster carers, we could also get the costs right. MST was one of the techniques and support mechanisms being explored to help foster carers look after challenging teens.

- Mrs. Robinson asked whether the Council receives any income from child benefit when a child comes into care. The Director said that child benefit stops when a child comes into care and the local authority does not receive any benefits attached to the child. Schools receive the Pupil Premium for children in care.
- Cllr. Ion picked up the points made by Cllr. Lawrence and agreed that strategic management of the budget would help remove some of the angst and political mischief around children in care budgets, when all elected members have a responsibility for children in care. He suggested this could be a recommendation that the Budget & Finance and Children & Young People Scrutiny Committees could make jointly. He said there were things to celebrate but felt that we never have an accurate picture. For example, with the cost of the 12 new residential admissions, we don't know how long they will be in care and should plan around the worst case scenario.
- Further, Cllr. Ion challenged that fact that there were 144 providers on the West Midlands residential framework contract which he felt was too many to negotiate with effectively, and that the authorities should use their collective power to reduce the number of providers and to reduce the price, as residential care was a massive cost. The Director said there were 2 main ways of procuring residential placements: either from the block or spot contract with Better Care Keys at Queensway (Jigsaw) as already discussed, or from one of the providers on the regional framework contract. All the providers brought into the framework contract had been willing to work on cost. That number of providers was needed to be able to source the specialist placements needed. The list would be reviewed when the contract came up for renewal. Cllr. McClements said in adult care the bigger providers were not always the best and there were a lot of small providers who provided a better quality of care and at better prices. Cllr. Ion replied that if we were only using a small number of the providers, there was an opportunity to drive down the number of providers and the cost. The Director said this was a very complicated market and they were focusing on building up foster care capability for very complex cases and MST was one solution being looked at. Cllr. Watling also pointed out that a full-time contract carer had been employed and if this proved successful they would do more of this. They needed to evidence success first, but the early signs of were good.
- Cllr. Ion said he had no idea of how Telford & Wrekin compared to other authorities in terms of costs. The Director said there was financial benchmarking against performance indicators but not against other authorities. There was national benchmarking on the number of children in care per 10,000 under-18 population

but costs were not benchmarked against the number of children in care. The Council could join CIPFA benchmarking club, but while the joining fee (about £800 per year) might be reasonable for the potential return, the back-office costs to input data could be higher – there were no staff to resource this and there was current exploration to understand whether joining could be justified. It was therefore difficult to provide cost benchmarking data with other authorities requested by the Committee. Cllr. Watling said Members should also bear in mind there is a cost to preparing for Ofsted inspections and the reports did not reflect how much is spent on doing things for regulators. In terms of the number of children in care per 10,000 under-18 population, there were huge variations. At the end of March 2013, Telford & Wrekin had 82.3 children in care per 10,000 under-18s. Dudley (106.9), Wolverhampton (117.1), Walsall and Stoke were all above; there were no numbers for Coventry; Birmingham was well below (69.9); Sandwell was in intervention and most of the other authorities below Telford & Wrekin were the shires. Telford & Wrekin was around the middle of the regional benchmarking and the other authorities were having the same budget issues. Cllr. Watling and the Director had visited Solihull which was below Telford & Wrekin re children in care per 10,000 to look at how they were managing within their budget and the answer was that they had a bigger budget. In summary, there was no accurate cost benchmarking data and the back office costs of CIPFA benchmarking were potentially too high.

- Cllr. S. Reynolds said she had noticed some of the monthly financial monitoring meetings had been cancelled and wanted to know if they were still happening. The Director assured her that the meetings were still happening but the cycle had been synchronised with the availability of relevant financial information so some of the original dates had been changed.
- The Director responded to the suggestion made at the meeting in June that more money should be spent on marketing for foster carers. She said it was not the number of enquiries that was important but the number of conversions from enquiry to approved foster carer. The number of enquiries had fallen but the number of conversions had gone up. In 2011/12 there were 226 enquiries and 8 approvals, in 2012/13 there were 153 enquiries and 14 approvals. This had been achieved by better targeted marketing and speeding up the approval process. The focus was now on targeting people who would be able to look after teenagers. There had been a reduction in the use of agency staff so the trend was going the right way but they would like it to be steeper.
- Cllr. McClements said that the external costs were more difficult to control. As a Council, we need to increase income from housing growth and increase business rate retention from new business growth, but from a budget point of view we need to make sure that the two care areas (children and adult) do not eat into the other service budgets such as environment, libraries, leisure etc. The Director agreed it was important to maintain other service budgets because the children were living in and using the environment and facilities. The main aim was to increase the number of children living with internal foster carers; £1 million would be saved by moving 10 children from residential to internal foster care.

The Chair remarked that there was a lot of good news and that a lot of hard work had been done in difficult circumstances and she asked that the Director take this back to the team.

Members of the Children & Young People Scrutiny Committee, Cllrs. McClements and Watling and the Director left the meeting.

BFSC-23 WORK PROGRAMME AND CHAIR'S UPDATE

The Chair updated members on the following matters:

- a) Following the last meeting the response of the Budget & Finance and Co-operative & Communities Scrutiny Committees on the welfare benefit policies has been submitted and would go through the decision making process on the following dates:
 - Policy Review - 28th November 2013
 - Cabinet - 12th December 2013
 - Full Council -23rd January 2014
- b) She had attended Audit Committee (as a member of Audit Committee) on 17th September. She felt the report on Capital Receipts had been honest and it was obvious that planning was in place for various scenarios and she had come away with a positive view. She would have welcomed Mr. Williams' views but he had already left the meeting.
- c) Cllr. Evans had met the Assistant Director Law, Democracy & Public Protection to discuss Single Status and she had no concerns to feedback and the Chair suggested this item should be deferred.
- d) The Chair suggested it was too soon for the Committee to review reports on commercial income generation – the Housing Investment Programme which had been to Cabinet in April and the Solar Farm report which had been to Cabinet in September - and that they should be deferred until later.
- e) The Scrutiny Management Board had held an informal meeting with Richard Partington, Ken Clarke and Paul Taylor to look at the Financial Monitoring Report. There were issues raised about the overspend in adult care. The Health & Adult Care Scrutiny Committee was meeting on 4th November and the meeting would include budget issues so members of the Budget & Finance Scrutiny Committee would be invited to the meeting and members were urged to attend.
- f) At the July meeting members had recommended that Richard Partington give his presentation to members of staff and this had been done at a series of staff engagement sessions which had been well attended. The Scrutiny Officer said that there had been some good feedback.
- g) It was likely the Council's settlement would not be received until after the meeting on 17th December and that the budget proposals would not be published until into

the new year. The Chair asked members what items they would like to look at in December, and as there were no pressing issues, it was agreed the December meeting would be cancelled and an additional date agreed for January to give more leeway for scrutinising the budget proposals. Provisional dates were discussed and would be confirmed by the Scrutiny Officer following the meeting.

The meeting ended at 8.00pm.

Chair:.....

Date:.....

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE

Minutes of a meeting of the Children and Young People Scrutiny Committee held on Monday, 23rd September 2013 at 6.00pm in Meeting Room 3, Darby House, Telford.

PRESENT: Councillors M. Ion (Chair), G. Green, J. Loveridge, J. Pinter, C. Turley (part) and Co-optees A. Atkinson, R. Aveley and S. Rayner.

Attending: Cllr. P. Watling, Cabinet Member Children, Young People & Families; L. Johnston, Director Children & Family Services; C. Jones, Assistant Director Family & Cohesion Services; S. Hosking, Group Manager Youth Offending Service; A. Mason, Chair Telford & Wrekin Safeguarding Children Board; Stephanie Jones, Scrutiny Officer.

CYPSC-13 MINUTES

RESOLVED – that the minutes of the meeting of the Children & Young People Scrutiny Committee held on 15th August 2013 be confirmed and signed by the Chair.

CYPSC-14 APOLOGIES FOR ABSENCE

Cllr. A. Mackenzie and Co-optees S. Ali, S. Harris and M. Ward.

CYPSC-15 DECLARATIONS OF INTEREST

None

CYPSC-16 LGA PEER REVIEW OF CHILDREN'S SAFEGUARDING

The Director of Children & Family Services (DCS) presented the reports circulated as Appendix B1 and B2 on the LGA Peer Review. A briefing note on the peer review process and a diagram of the "Getting to Good" Improvement Cycle were also tabled. The following points were highlighted:

- The first peer review was three years ago. Peer reviews are a "critical friend" process to test the authority's understanding and self-awareness of the service and what needs to be done. Additional lines of enquiry were agreed over and above the standard process at the service's request, including whether the planned reduction in the number of children on care plans had reduced safety, and an audit validation. Cllr. Watling explained that he holds weekly meetings with the Director, but he also talks directly to staff on the front-line, without senior managers present, to hear their views which was important to him as lead member. He had asked the peer review also to focus on the early help arrangements, including Family Connect, to ensure young people and families get the right help at the right

time. In the early days he had not been convinced about the Family Connect approach, but he was now convinced this was the right direction.

- A peer review cost around £20,000 but the Council had paid nothing. It was part of a sector-led improvement programme funded nationally by the Children's Improvement Board. The funding had now been withdrawn, and Telford & Wrekin had been one of the last authorities to benefit.
- The review team was led by an Interim Director of Children's Services. Ideally, reviews would be led by an active DCS but this would have created a delay resulting in incurring costs, and the Interim DCS was a good lead. The team also included a Lead Member (ex-Lambeth), a Safeguarding lead, a Data Analyst, a Health lead and LGA support staff. The Health lead was considered important with all the changes in the health system.
- The review had taken one week in June. Cllr. Watling, the DCS and Assistant Director Cohesion & Family Services had been trained as peer reviewers.
- Appendix B2 provided a summary of the process, findings, strengths and areas for improvement. Mr. Mason confirmed the Telford & Wrekin Safeguarding Children Board (LSCB) had been involved in commissioning the peer review and was in agreement with the findings.
- The DCS said it was pleasing that there had been no big surprises in the findings and that they fitted with the service's self-assessment showing there was a good understanding of strengths and weaknesses. She summarised the key findings:
 - The review had recognised the huge amount of work that had been done on the recruitment and retention of social workers. Having a permanent workforce of skilled and qualified staff was fundamental to addressing quality issues raised by Ofsted. With this in place the service was ready to start the next stage of the journey to embed systemic improvement. Cllr. Watling said that this was also a priority in the Cost Improvement Plan and important for providing consistency to the children and young people in care.
 - The service had got better at using data to understand and drive improvement internally and across partners.
 - Partnership support was good, but there was a need for more challenge.
 - The reviewers were pleased with the Council's financial commitment to safeguarding and the additional investment in the service and had scrutinised the Cost Improvement Plan.
 - Leadership was aspirational and political leadership valued.
 - Commissioning needed development, particularly the collaborative approach with partners and health. This was already known.
 - Integrated practice was still emerging. There had been huge changes in the borough and the early help offer had started but needed pace and focus.
 - The reviewers noted that reflective practice and case recording needed to be better. It was happening, but needed to be evidenced and audited.
 - The service could move from information to action too quickly, for example the

lift and shift approach to joining up the Transition and Care Leavers teams. This had already been known and a review was being carried out.

- The pace of change was too slow. The DCS accepted this, but said that the development of the permanent workforce was the priority and had taken time – they would not invest in training agency staff. There had also been issues with finding the right people to lead change, but this had hopefully been sorted out. The point was that this needed to be done well and there was no point in having urgency without quality.
- There was a disconnection between the aspiration of senior managers and front-line practice. Steps were being taken to address this. The Managing Director and DCS had held an engagement session with front-line staff to marry up. There would be three staff briefings a year involving the DCS, Assistant Directors and Lead Member to ensure the leadership aspiration is clear to social workers.

In response to Members' questions, the following additional information was provided:

- Cllr. Turley was alarmed by the reference on p.10 of Appendix B1 to “the disbanding of the Child Protection Team”. The DCS clarified that this referred to the re-design of the service. Under the old structure, Child Protection (CP) social workers carried out initial assessments and then referred cases to the Assessment and Case Management Teams for core assessments and case management so their involvement was short-term and the child was moved from one social worker to another. Bringing the teams together meant the service was built around the child – the first social worker continues to work with the child through different stages, providing continuity and a better service for the child. Cllr. Watling said the change had been a difficult journey for staff but the old system had not been right – for children coming into care we want the team to remain around the child and for the child not to have switches of social worker. This was one of the key areas where serious case reviews had found fault.
- Cllr. Turley was concerned about the fact that Walk-In GP surgeries use different IT systems and do not receive alerts of children on child protection plans. The DCS agreed this was a concern and said it had been picked up by the Clinical Commissioning Group (CCG). The CCG executive lead for safeguarding had been involved in the review and had taken this up to address. Cllr. Ion also expressed concern and that this was potentially “an accident waiting to happen”, and while he understood this was not within the Council’s remit, he wanted to know what pressure was being put on the CCG about this. The DCS said it would be picked up as part of the improvement model (illustrated in the tabled document “Getting to Good” Improvement Cycle). There is a named strategic lead for each action, and the CCG safeguarding lead leads on the health issues. She will report back with a set of actions and timescales, but this has yet to be defined. The service defines what needs to be done – the outcomes – and the strategic lead tells us how it will be done and is accountable for those actions. The outcome in this case might be for all GPs to be aware of children on child protection plans.
- The Chair asked about the role of the LSCB in this. Mr. Mason said the LSCB was streamlining processes and a new Quality Performance & Operations sub-group

had been set up, chaired by the CCG safeguarding lead, to review actions and progress. The sub-group would meet for the first time in November. The cycle of LSCB and sub-group meetings had been reviewed to accelerate actions and improve reporting – the Board would meet every two months and the performance sub-group will meet 2 weeks in advance to feed actions into the Board. The Board will review the peer review action plan, and the DCS will review the actions for the Council.

- The Chair referred to the Key Areas of Focus and felt that point one (identifying and reflecting in decisions the needs of children and young people from minority ethnic communities) was a huge concern. The DCS said this had also been picked up in other inspections and action was already underway. There was some good work going on but there was a mixed picture. They were talking to front line staff about this and they were helping to identify what needs to be done. Cllr. Ion said this came back to the issue of having a shared understanding of the leadership vision and common understanding of what we mean by vulnerable. Mr. Mason said it was good that the Council had flagged this up for the peer review to look at. Cllr. Watling said it was clear we need to be working on this. Work had been done but it was not as effective as it should be and this was being looked at as part of the improvement model.
- Cllr. Green was worried by the point on p.8 about not having operational experienced staff on the Family Connect duty desk. The DCS said there was a newly qualified on the desk, but with supervision and management oversight of the process which was good. Skills were being developed across the service.
- The DCS explained more about the “Getting to Good” Improvement Cycle. The idea was to move away from having action plan after action plan (e.g. Ofsted Improvement Plan, peer review action plan) and developing key strategic themes or objectives led by senior managers. Data is gathered on each theme to help understand the issues, and then taken to front-line staff to get the story behind the data and discuss their views on what could be done so that actions can be embedded in front line practice. A Service Improvement Manager had been appointed to the Delivery & Planning team to coordinate the work, but reporting directly to the DCS. The Manager would visit all the front line staff. For example, on the diversity issue, data and evidence had been gathered, and the Service Improvement Manager was now visiting staff to drill down into the data at team level to see what was happening, how work was reported and why work that was happening was not being recorded. The Manager then pulls all the information together in a One Minute Brief with the teams’ recommendations to be implemented.
- The Chair asked why the brief was “Getting to Good” and not “Getting to Outstanding”. The DCS said that “Outstanding” was just too aspirational under the new Ofsted inspection framework. Ofsted ratings had changed to “Outstanding”, “Good”, “Requiring Improvement” or “Inadequate” (i.e. there was no longer an “Adequate” rating) and the standards to achieve “Good” were had been raised. Currently, around a quarter of authorities were rated “Good”, about half were “Adequate” and a quarter “Inadequate”. Most were striving to achieve

“Good” under the new framework and were not trying to achieve “Outstanding” because the bar was too high. Mr. Mason agreed “Outstanding” was too aspirational and that setting such an unrealistic goal could de-motivate staff - improvement had to be made step by step. The LSCB was focussing on improvement and had set up a Professional Practice task and finish sub-group, including the Service Improvement Manager. This group was one of the three priority task and finish groups reporting to the Board. Cllr. Watling had attended a regional meeting for Lead Members and many of the authorities rated “Adequate” were quite concerned about the new framework and fearing the worst. The reality is that it is hugely expensive for authorities rated “Inadequate” which would cost far more than the work being done in Telford & Wrekin now – it was about saving money later on and not about overspending. Cllr. Green said that it is important to convey to members of the public what “adequate” means.

- The Chair asked the DCS and Cabinet whether they would say the peer review had delivered £20k of value – was it worth it? The DCS said yes because regionally authorities wanted to explore all ways of having robust challenge without the cost. The DCS, lead Member and other senior officers had been trained as peer reviewers, so the idea was that in future they could agree reciprocal arrangements for peer reviews to reduce the cost. Cllr. Watling said it had been worth it because it gave a snapshot of where we are now and what needs to be done. As lead member this was important because it meant he knows what the issues are and where to challenge the DCS. It was also helpful because it showed what we do well and where we are moving forward. Mr. Mason said it was useful to the LSCB because it shed light on activities that needed a focus that wasn’t there before, and meant that they were focussing on the right things and not just ticking boxes.

When there were no further points on the peer review, the Chair moved on to the Leaving Care Grant (LCG). He reminded members that at the last meeting they had heard Telford & Wrekin had fallen behind other authorities and the Committee had recommended lifting the grant from £1,000 to £2,000. He asked the DCS how and when a decision would be made. She explained that the budget for the LCG fell into Care & Support but accountability lay with her. She had asked the team to review the grant which they had done in consultation with the Care Council. A recommendation had been made to uplift the grant to £1,750 with a £250 emergency fund, and the scrutiny report had been considered at the same time. The increase been agreed by the Adult Leadership Team, but still had to be agreed by the CYP Leadership Team, and reported to the Senior Management Team to note the additional pressure on the budget. The DCS fully expected the recommendation to be accepted and progressed. Cllr. Ion said this was very encouraging, but as it was still at the intention stage he suggested a fuller report come back in November with the new policy and procedure and the additional information requested at, and following, the last meeting. Cllr. Green asked when the uplift would be introduced and the DCS said they were hoping to bring it in sooner rather than later. Cllr. Green asked for clarification about who paid the LCG to care leavers placed in the borough by other authorities who may decide to settle in the borough, and Cllr. Watling confirmed that Telford & Wrekin was not liable for the LCG for other authorities’ care leavers even if they are in the borough.

The Chair drew members’ attention to the Children in Care Performance Dashboard

circulated as Appendix B3 which the Committee receives on a regular basis for on-going monitoring. He said there was some good news in the report and it was encouraging to see the balance between internal and agency foster carers was moving in the right direction. Cllr. Watling also pointed out that unit costs were going in the right direction. The Chair suggested members give the report further detailed consideration and bring questions to the next meeting.

Concluding the item, the Chair thanked Cllr. Watling and the DCS.

Cllr. Turley left the meeting.

CYPSC-17 UPDATE ON MISSING CHILDREN AND RETURN INTERVIEWS

The Chair invited officers to make remarks on the report on Missing Children and Return Interviews circulated as Appendix C. In addition to the information provided in the report, the Group Manager made the following points:

- The report was in response to recommendation 2b of the Committee's report on the Children in Care Placement Strategy, and summarised progress since the presentation of the Missing Children Protocol to the Committee in January alongside a presentation from DI Shakesheff, West Mercia Police lead for missing children.
- In June DfE had issued statutory guidance on missing / runaway children and definitions of "missing" and "absent" which would be adopted by West Mercia Police from October. The police were recruiting a Missing Person Co-ordinator and there would be conversations once the person was up to speed.
- An Ofsted report had highlighted the lack of reliable missing children data collected by local authorities (a sample of 10). Telford & Wrekin had good data collection but it was being analysed by the LSCB Missing Children Sub-group (MCSG) to evaluate against Ofsted's recommendations.
- The protocol was being updated in accordance with the new DfE guidance and ACPO and Ofsted reports (and would be known as the Runaways Missing From Home and Care Protocol). The protocol would be made fit for purpose for providers from the time a child is placed with them until they left the provider's care. Other authorities have a duty to notify Telford & Wrekin when they place a child with a provider in the borough, but the expectation will be that providers also notify the Council. The providers also need to be aware of other authorities' protocols. Local practice and expectations will be discussed with providers at the conference on 9th October. The protocol will be a thick document but will be comprehensive for social workers to use.
- Until the new definitions are adopted, the police will continue to notify the Council of absent children through Family Connect who record the data. Data is shared with the Group Manager in Cohesion Services and with the police.
- The report showed data collected on Return Interviews for March-August 2013. Ten out of 41 required return interviews had not been completed. The old protocol gave social workers discretion to decide with their line manager if a return interview was needed or not. The template would record the decision (yes or no)

but not the reason for the decision and the template had been adjusted to capture this information.

Members were also given the following information in response to questions:

- Of the 87 missing episodes, there should have been 41 Return Interviews of which 10 were outstanding. Members were told that a timeline for completing return interviews had been written into the protocol so those that were overdue would be chased up and data recorded within the month of the missing episode.
- Data about the care home the child had gone missing from was not shown in the report but was captured so homes with a disproportionate number of police call outs could be identified. The MCSG was putting together a definitive data set, but we have this information. Data collection in Telford & Wrekin was good. It was captured on the Protocol database by Family Connect, the emergency duty team or other staff and shared with the police.
- There were 87 missing episodes for 71 children. There had been a reduction in the number of repeat episodes over the last 12 months.
- The 5 children “not known to this or another authority” were children who had not previously been known to social services.
- Take-up for the provider conference was good – around 80-90%. At the Chair’s request, it was agreed that members of the Committee could be invited.
- Members requested a list of the distribution of children’s care homes by ward to be provided after the meeting.

When there were no further questions the Chair thanked the officers for providing the detailed report and remarked that the service had come a long way.

Cllr. Watling and officers left the meeting.

CYPSC-18 WORK PROGRAMME AND CHAIR’S UPDATE

The Chair updated members on a number of points:

- Following the first statistical release of (provisional) Key Stage 2 results on 19th September, a summary report had been circulated as Appendix D. A detailed breakdown by school, and schools below floor standard, would come to the Committee in November along with KS4 and CCSE results. Data for looked after children was released separately in January but would also be reported to the Committee. In the meantime the Chair asked members to consider the report and come to the November meeting with questions.
- With regard to the review of primary place planning, there were three main lines of

enquiry: ensuring there will be sufficient capacity; issues related to admissions and appeals for governing bodies; the link between expansion and quality of provision. The Chair said that data and evidence gathered so far had led him to conclude that there was no “runaway train” in Telford and Wrekin, that the borough was well served in terms of pupil place planning and he had been reassured that there would be sufficient capacity.

Cllr. Aveley said he remained unconvinced there would be enough places given all the housing development and cited Wellington as an example. Mr. Atkinson said he thought the number would depend on the type of housing and was difficult to estimate. The Chair said it was important not to conflate two issues: the requirement in terms of planning additional places from birth rates and housing development, and Basic Needs capital to fund additional places created by housing development. After seeking clarity on developer levies in Telford & Wrekin, Mr. Rayner made the point that the Council relinquishing S106 money could create an issue with funding the necessary expansion from housing development because Basic Needs capital was allocated based on birth rates and not housing growth. The Chair agreed this was a big concern and a possible area for the Committee to make a recommendation.

Mr. Atkinson said it would be interesting to know more about migration and if people were moving within or from outside the borough. The Chair said this had been raised as a national issue but data he had seen so far showed this was not a challenge in Telford & Wrekin in the same way it was in other parts of the country. Cllr. Green raised concerns about mobility and inward migration clustered in geographic areas putting pressure on schools from sudden admissions as had been seen at Woodside Primary.

An additional working group meeting would be arranged to explore the issues of S106, the role of governors and heads in admissions and the issue of expansion and quality. Dates would be circulated in due course.

- The Chair reminded members that the next item for in-depth review was Youth Services including the Youth Offending Service and there would be an initial presentation at the November meeting.
- The Scrutiny Officer reminded members about the Budget & Finance Scrutiny Committee meeting on 22nd October to monitor progress on delivery of the Cost Improvement Plan and members of this Committee were invited to avoid duplication.

The meeting ended at 7.30pm.

Chairman:.....

Date:.....

HEALTH AND WELLBEING BOARD

Minutes of a meeting of the Health and Wellbeing Board held on Wednesday 13th November 2013 at 2.00pm at the Business Development Centre, Stafford Park 4, Telford TF3 3BA.

PRESENT: Cllr R Overton (Chair) (Telford and Wrekin Council), Dr M Innes (Vice-Chair) (Clinical Commissioning Group), D Evans (Clinical Commissioning Group), Cllr E Clare (Telford and Wrekin Council), P Taylor (Telford and Wrekin Council), Cllr G Green (Telford and Wrekin Council), L Johnston (Telford and Wrekin Council), Cllr J Seymour (Telford and Wrekin Council), D Wickham (NHS England Shropshire and Staffordshire Area Team), Liz Noakes (Telford and Wrekin Council), D Saunders (Healthwatch Telford and Wrekin)

Also Present: H Onions, (Consultant in Public Health), N Adams (NHS England Area Team), Jo Robins (Locum Consultant in Public Health TWC)

Officers: M Cumberbatch (Legal Services) J Power (Delivery and Planning Manager) and J Clarke (Democratic Services Officer).

HWB-32 MINUTES

RESOLVED – that the Minutes of the meeting of the Health and Wellbeing Board held on 18th September 2013 be confirmed and signed by the Chair.

Appendix C and Appendix D were attached to the Minutes for information only.

A short discussion took place regarding NHS Dental Treatment for children.

HWB-33 APOLOGIES FOR ABSENCE

Cllr A England (Telford and Wrekin Council), Cllr P Watling (Telford and Wrekin Council), D Harrison (Clinical Commissioning Group)

HWB-34 DECLARATIONS OF INTEREST

None

HWB-35 FOCUS ON HWB PRIORITIES

Improving Life Expectancy

H Onions presented an update report on the Health and Wellbeing Priorities of Life Expectancy and Health Inequalities.

The focus for this priority was the prevention, early detection and treatment of cardiovascular disease (CVD) and cancer. Immunisation against seasonal flu was acknowledged as a key contributor also. The report gave an overview of the programmes of work which impacted most significantly on life expectancy and related health inequalities.

Male life expectancy in Telford & Wrekin had been below the national average over the past five years, this was linked to levels of socio-economic deprivation which had been highlighted through the JSNA. Female life expectancy within the Telford and Wrekin area deteriorated during 2010-12 and was at 81.6 years compared to 83.0 years which was significantly worse than the national average.

The key areas for improvement were around prevention and early detection of cvd and cancer. This was a significant area of work and it was requested that the CCG, the Local Authority and partners worked collaboratively together on this HWB Priority.

Appendix II included a report from NHS England summarising the seasonal 'flu' immunisation programme which would help to minimise the health impact of 'flu' during the Winter. The 'flu' vaccine was currently offered free of charge for people in the at risk groups and the plan aimed to increase the uptake of at risk residents within Telford & Wrekin during 2013/14.

A discussion took place including:

- 'Flu' vaccinations in at risk groups
- 'Flu' vaccinations for carers
- Survey of GPs regarding flu vaccination uptake
- Vaccination of GP's staff
- Monitoring of uptake of flu vaccinations
- Promotion of 'flu' vaccination by GPs, CCG and Local Authority
- Shropshire and 'Flu' Planning Group
- Uptake of 'flu' vaccination by healthcare workers and social care workers
- Vaccination of general public/availability of vaccines in local pharmacies
- Data capturing of 'flu' vaccination information on GP Systems
- Vaccination of pregnant women
- Prevention, early detection and treatment of cancer
- Bowel Cancer screening programme – improving uptake
- Uptake of NHS Health Checks
- CCG Long Term Conditions Incentive schemes including, conflicts of interest of GPs with incentive schemes
- The management of patients to prevent hospitalisation
- Inequalities work important to target hard to reach groups

L Noakes proposed that a further report would be brought back by the CCG to the Board focussing on cancer, to examine cancer survival rates in more detail alongside an update on progress to improve cancer treatment and waiting times and the experience of cancer patients received treatment in local hospitals. D Evans said that the CCG would bring back a further report and this was seconded by Cllr E Clare.

RESOLVED – that:

- a) **the Board recognises that life expectancy in Telford & Wrekin in males and females remained worse than the national average during the period 2010-2012;**
- b) **the Board noted the recent developments which would contribute most significantly to improving life expectancy and reducing health inequalities, in particular the:**
 - **agreement of a detailed action plan to improve seasonal 'flu' immunisation uptake across all at risk groups for 2013/14;**
 - **further development of the NHS Health Check programme;**

- **important contribution that work led by the NHS England Area Team in collaboration with the CCG to improve the management and treatment of patients with cardiovascular disease by GPs makes to this priority;**
 - **processes which the CCG are leading to improve cancer treatment and the experience of cancer care in collaboration with Shrewsbury & NHS Hospital Trusts; and**
 - **successful establishment of the local Abdominal Aortic Aneurysm Screening programme and also the approval of plans to extend bowel screening to cover 70-74 year olds in Telford & Wrekin.**
- c) acknowledge that a local approach to deliver the requirements of the national cardiovascular disease outcomes strategy needs to be agreed for Telford & Wrekin as it will significantly impact on improving local life expectancy in the Borough;**
- d) a further report be brought back to the Board.**

Improving Emotional Wellbeing

J Robins presented a report on emotional health and wellbeing and a review of the mental health modernisation.

The report gave a summary of progress on the development of the local offer, including local strengths and weaknesses, key gaps and opportunities for improvement together with clarity on the next steps and milestones for progress.

An update on the next stage of the Mental Health Modernisation was included within the report which had been prompted by the temporary closure of Castle Lodge and the new approaches within community based care.

There would be two tiers of support:

- a) lower level support - keeping people well and for those showing signs of needing support; and
- b) Life course approach for children, young people and adults and older people

This work was underpinned by a strong evidence base that demonstrated value for money and improvement in long term outcomes and was an opportunity to maximise the 5 ways to wellbeing. A campaign would be undertaken promoting keeping well. There was a lot of community support from the Council, the NHS, Police and the voluntary sector.

A discussion took place including:

- Castle Lodge
- Comprehensive review of mental health services
- Mental Health Strategy Review
- Early Health Offer – whole life approach
- Transition into adult mental health services
- Healthy schools programme
- Homelessness and the need to link into the mental health programme

It was asked that the Board note the importance of a smooth transition from children and young people services into that of adult services and that a fragmented approach was avoided.

RESOLVED – that:

- a) the Board acknowledge the recent developments towards the development of the emotional health and wellbeing offer;
- b) the Board support the proposals to complete a review of progress in modernising Mental Health Services; and
- c) the report be noted.

HWB-36 HEALTH AND SOCIAL CARE INTEGRATION

D Evans presented a report on the requirements placed upon both the Council and the CCG to move towards the integration of health and social care services and the need to have an Integration Transformation Fund (ITF) agreed and in place by April 2015.

The integration proposals needed to be developed in the very near future in order that relevant budgets were freed up during 2014/15 for inclusion in the ITF. The initial planning template needed to be submitted by 15th February 2014 and signed off by the Council, the CCG and the Health and Wellbeing Board.

It was suggested that a task and finish group undertake this work and the conditions could be found on page 4 of the Annex to the report.

The CCG had written to the main provider of services and indicated that £3m of the funding would have to be withdrawn and the potential impact and changes to services.

Also appended to the report was the template which the Council, CCG and HWB needed to complete.

A discussion took place including:

- Issues surround IT that would support the scheme
- The enormity of the task
- The ITF was the start of an ongoing process
- Delegation of authority from the Board to the Chair
- Meeting the conditions
- Thinking widely using the underlying principle of the life course approach

The Chair proposed that the HWB would hold an extraordinary meeting on Wednesday 12th February in order to sign off the ITF papers.

RESOLVED – that:

- a) the Health and Wellbeing Board note the requirement to put in place an Integration Transformation Fund;
- b) that an Extraordinary Meeting of the Health and Wellbeing Board takes place on Wednesday 12th February 2014; and

- c) a further detailed report be brought to the Extraordinary Meeting of the HWB on Wednesday 12th February 2014 with a view to signing off the Draft Plan Submission.

HWB-37 NHS ENGLAND AREA TEAM REPORT

D Wickham gave a presentation on “Primary Care Strategy: Where we are”.

After the presentation a discussion took place around slide 13 “What CCGs/HWBs want in a Primary Care Strategy?”. All comments around this discussion were noted by D Wickham and these would be fed into the consultation process by the NHS England Area Team.

HWB-38 INFORMATION ONLY ITEMS: HOMELESSNESS STRATEGY AND ADULT SOCIAL CARE LOCAL ACCOUNT 2012/13

Appendix G – Homelessness Strategy

The report was an information only report.

RESOLVED – that

- a) the Board endorsed the contribution the strategy made in reducing health inequalities. Board members were asked to circulate the draft with their respective organisations and feed back any comments to the Assistant Director: Family & Cohesion Services by 29th November 2013; and
- b) the draft Homelessness Strategy 2014-17 be noted.

Appendix H – Adult Social Care Local Account 2012/13

The report was an information only report.

The meeting ended at 3.32pm

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Friday 1st November 2013 at 2.00 pm at Darby House, Lawn Central, Telford

PRESENT

Councillors: C Mason (Chair), T Hope, A Mackenzie, R Scammell, J Seymour, J Thompson and C Turley

Officers in attendance: E Griffin – Solicitor, T Reah – Building Control Team Leader and P. Smith - Democratic Services Team Leader

LC-10 MINUTES

RESOLVED – that the minutes of the Licensing Committee meeting held on 18th September 2013 be confirmed and signed by the Chair.

LC-11 APOLOGIES FOR ABSENCE

Councillors R Sloan, M Smith and K Tomlinson

LC-12 DECLARATIONS OF INTEREST

None.

LC-13 RENUMBERING OF EXISTING PROPERTIES AT GLEN COTTAGES, BRICKHILL LANE, KETLEY AND ALLOCATION OF NEW NUMBERS TO NEW DEVELOPMENTS PROPOSED AT BRICKHILL LANE, KETLEY

The Building Control Team Leader presented the report of the Assistant Director: Development, Business & Employment which requested Members to consider a proposed solution in respect of re-numbering and numbering of houses at Brickhill Lane, Ketley to resolve difficulties that would arise as a result of new housing developments.

The Council had statutory powers to deal with the numbering of new properties under the Town Improvement Clauses Act 1847. The Building Control Team Leader referred to the five plans appended to the report which showed the current and proposed situation, along with a proposed solution. Currently, there were properties on one side of the road only – whose numbering already contained anomalies. Four of these dwellings were to be demolished, to be replaced by 9 new properties. In addition, a new large-scale housing development (by a different developer) would surround the existing properties in Brickhill Lane, including the construction of new dwellings on the opposite side of the road. Whilst the Council would normally seek to avoid the need to re-number existing properties, in this instance the problem of allocating 9 new property numbers on one side of the road, and the need to allocate numbers to the new proposed development on the other side, meant that re-numbering of the existing properties was unavoidable if there was to be a logical

solution. A proposed solution was shown on Plan 5, which would result in numbering on both sides of Brickhill Lane, and avoid further re-numbering when the remaining phases of the larger development came through.

Consultation had taken place on the proposed changes, and three objections had been received from residents of existing properties. One objector was particularly concerned about the loss of "Glen Cottages" from his address, and it had subsequently been agreed that all properties on that side of the road could retain Glen Cottages as part of their address. Another respondent had indicated that they did not object to the re-numbering, provided that the Council accepted responsibility for any charges they may incur from obtaining new documents from organisations such as the Passport Office and the DVLA following a change of address. A representation from the applicants, Sanctuary Housing Group, in support of the proposed solution was tabled. The Solicitor reported that one of the main objectors was unable to attend the meeting due to illness, but had reiterated his opposition as well as the issue of costs that would be incurred by residents as a result of the re-numbering.

Mr and Mrs Parry of 10 Glen Cottages, Brickhill Lane were present, and the Chair invited Mr Parry to address the Committee. Mr Parry stated that he had not previously objected because he had only recently become aware of the proposed re-numbering. The Building Support Team Leader explained how the proposed re-numbering would work (with odd numbers on one side of the road and even numbers on the other), and that Mr and Mrs Parry's property would change to 43 Glen Cottages, Brickhill Lane. Mr Parry stated that he personally did not understand the need for change, and was against the re-numbering.

Members then considered the information that had been presented to them, and the representations that had been received. In response to questions, the Building Control Team Leader further explained the siting of proposed new properties in the vicinity (including where letterboxes would be located) and the access arrangements. In relation to the potential costs that existing residents might face as a result of re-numbering, it was advised that the Council did not have a budget to pay for such costs. A request had been made to the developer to contribute towards any expenses incurred by residents, but they had declined. In response to a question, the Solicitor advised that the Council did not have any powers to require developers to meet these costs.

Members had some sympathy for the residents who would be affected by the re-numbering, but having viewed all the plans and considered the different options, it appeared that the proposal of having consecutive odd numbering for the left hand side of Brickhill Lane was the only practical solution.

RESOLVED - that authority be delegated to the Development Manager to approve the re-numbering and numbering of the properties identified on Plan 5 appended to the report with the numbers 1-43 Glen Cottages, Brickhill Lane, Ketley.

The meeting closed at 2.31 pm.

Chairman:

Dated:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held at 6.00pm on Wednesday, 6 November 2013 at 'The Place', Oakengates, Telford

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, V A Fletcher (as substitute for Councillor R T Kiernan), A S Jhawar, J Loveridge, G C W Reynolds, S A W Reynolds and C R Turley.

ALSO PRESENT: Councillor S Bentley (for planning application TWC/2013/0693)

PC-048 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 16 October 2013 be confirmed and signed by the Chairman

PC-049 APOLOGIES FOR ABSENCE

Councillor R T Kiernan

PC-050 DECLARATIONS OF INTEREST

With regard to planning application TWC/2013/0661, Councillor N A Dugmore commented upon his wife's employment situation but in the circumstances he would not withdraw from the meeting for that item.

With regard to planning application TWC/2013/0661, Councillor J Loveridge commented that she was a member of Stirchley and Brookside Parish Council but had taken no part in discussions and in the circumstances she would not be withdrawing from the meeting for that item.

Councillor S A W Reynolds declared a predetermined view with regard to planning application reference TWC/2013/0676. In the circumstances, she stated she would withdraw from the Committee for the determination of that item and would speak as Borough Ward Member.

With regard to planning application TWC/2013/0661, Councillor C R Turley commented that he was the Ward Member for The Nedge but had taken no part in discussions and in the circumstances he would not be withdrawing from the meeting for that item. With regard to planning application TWC/2013/0215, Councillor Turley also commented that he was a Trustee of the Ironbridge Gorge Museum Trust and Severn Gorge Countryside Trust but in the circumstances he would not be withdrawing from the meeting for that item.

PC-051 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-052 SITE VISITS

None.

PC-053 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2013/0215, TWC/2013/0661 and TWC/2013/0676.

- (a) TWC/2013/0215 - Land Adjacent, The Coach House, Strethill Road, Coalbrookdale, Telford, Shropshire

This was a full application for the change of use from agricultural grazing land to a camping site to include the erection and siting of 6no. camping pods and the part conversion of an existing outbuilding to provide toilet and shower room facilities. The Gorge Parish Council had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which set out local concerns regarding water supply and the applicant's response.

Councillor M Bragg, representing The Gorge Parish Council, spoke in opposition to the application as she considered it lacked sufficient detail particularly with regard to the septic tank, toilet and shower facilities, laundry facilities, fire risk and vehicular access.

Mr D Harrison, a local resident, also spoke against the application. Although he welcomed the investment in tourism and supported local businesses, he raised concerns regarding water supply and quality, maintenance of private road and impact upon broadband speeds.

The Planning Officer advised that the proposals were compliant with the National Planning Policy Framework, uniquely increased the tourism offer in the area and that there were no Highways objections subject to a financial contribution to support maintenance of the adopted road. She noted that drainage and access to existing water supply was deemed acceptable and also pointed out that camping on site was currently permitted for up to 28 days annually.

In response to questioning, the Highways Development Team Leader indicated that the road was a public right of way and that the Authority was obliged to maintain it according to this status, hence the requested contributions to improve the surface and accommodate the anticipated development traffic. The road was unlikely to be adopted as public highway. The Legal Advisor commented that maintenance of the private road was not a planning consideration and affected parties would need to consider the relevant deeds.

Responding to further questions, the Planning Officer clarified a minor discrepancy between the location plan and block plan and indicated that granting temporary use was not considered viable due to the significant investment in the specified pod structures. The Planning Officer also confirmed that the application sought

permission for camping facilities throughout the whole year, with no restriction on numbers, but that only 6 'glamping' pods would be provided.

Despite Member concerns regarding inadequate hygiene and hand washing facilities, the internal layout or furnishings could not be conditioned and it was generally acknowledged by Members that campsites facilities were variable and for the owner to advertise. It was also noted that broadband speeds were not a planning consideration.

Members generally welcomed the investment in the area and increased tourism offer but were keen to ensure that no caravans were brought on to the site. It was by a majority,

RESOLVED – that with respect to planning application TWC/2013/0215 the Development Management Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement to provide £4,000 towards highway improvements and further subject to the conditions set out in the report and an additional condition to ensure that no caravans are allowed on site.

(b) TWC/2013/0661 - Lord Silkin School, Stirchley, Telford, Shropshire, TF3 1FA

This was a full application for the erection of a 600 place secondary school, 420 place primary school, 100 place post-16 centre, with associated leisure, Primary Care Trust, Library and Parish Council facilities with a 32 FTE place nursery, together with associated car parking and landscaping at the existing Lord Silkin School and Stirchley Training Centre in Stirchley, Telford. An update report was tabled at the meeting summarising correspondence received since preparation of the report from the Arboricultural Officer and Parks and Open Spaces Officer.

In response to questioning, the Planning Officer indicated that he was not aware of any Health and Safety implications of the proposed primary school building being two-storey, that the site was set away from residential property, that the Arboricultural Officer had no objections subject to condition, furnishing of toilet facilities were not within the remit of the Planning Authority, with regard to comments made by the Urban Design officer end elevations were not primary facing elevations and the design was considered appropriate, Highways had no objection in principle although some concerns regarding matters of detail within the site had been raised but it was considered that these could be dealt with by Grampian style conditions to provide and satisfactory revised drawings prior to implementation.

Members welcomed the new school facilities.

RESOLVED – that with respect to planning application TWC/2013/0661 the Development Management Manager be authorised to grant planning permission subject to

(a) **The Council as landowner agreeing to provide a Memorandum signed by the Assistant Director Development, Business and Employment**

agreeing that the Council will provide the following sums at timescales to be agreed with Telford & Wrekin Council Highways:

- (i) £10,000 in connection with Traffic Regulation Order works with the contributions being refundable if they are not required; and**
- (b) the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**
- (c) TWC/2013/0676 - Oakengates Leisure Centre, New Road, Wrockwardine Wood, Telford, TF2 7AB**

In accordance with her declaration of interest Councillor S A W Reynolds left the room during determination of this application.

This was a full application for the erection of new a 1,200 place 11 to 16 year old Academy school with associated parking and landscaping on land at Oakengates Leisure Centre, New Road, Wrockwardine Wood, Telford. Members had undertaken a site visit in the afternoon prior to the meeting taking place.

An update report was tabled at the meeting which set out further correspondence received since the report was prepared. The Planning Officer also verbally updated the Committee that an objection from a nearby resident along with a number of generic objection letters together with a 56 signature petition had been received since the preparation of the update report.

Cllr Les Brayne, representing Wrockwardine Wood & Trench Parish Council, spoke to oppose the application on the grounds that the access to and egress from the site was inadequate, increased congestion on New Road and drainage.

Councillor S A W Reynolds Borough Ward Member for Wrockwardine Wood and Trench, also addressed the Committee. Whilst she was supportive of the new school in principle she expressed concerns regarding the proposals in terms of access, impact upon infrastructure, residents' quality of life, design, safe route to school and associated safeguarding impacts, coach and emergency access, parking and flooding.

Mrs Wassell, a Local Resident, and the Reverend M Stafford, Wrockwardine Wood & Trench Holy Trinity Church, spoke in opposition to the application. Mrs Wassell suggested that determination of the application should be deferred until further discussion could take place regarding the proposed access to the development and parking. Reverend Stafford also sought for the determination of this application to be deferred to ensure that safeguarding requirements were met.

Mr J Collins, Assistant Director: Education and Skills, on behalf of the Applicant, spoke in support of the application highlighting the scheme as part of the wider Building Schools for the Future project, which provided impetus for the transformation of learning across the borough. Consultation with the Parish Council and local residents had taken place and he was aware of concerns. He assured the

Committee that safety was a paramount concern and that he was confident the application would have the necessary safeguards in place to ensure a safe access and egress from the site.

The Planning Officer particularly referred Members to aspects of the report which addressed issues relating to access, design and flooding. He noted highways improvements as set out in the report, the existing embankment to behind the proposed new Academy would reduce the visual impact of the development and it was considered that on balance the proposals fulfilled design criteria. The Planning Officer further noted concerns raised regarding drainage at the site and indicated that discussions were continuing with TWC Drainage Engineers and Severn Trent Water on a number of feasible solutions to this issue and in this regard but it was considered that a satisfactory solution was possible and this would be subject to a Grampian style condition.

The Highways Development Team Leader explained the results of the Technical Assessment which demonstrated that the relocated access to New Road has sufficient capacity at both 2015 and the future assessment year of 2024 with the expected school traffic and background traffic growth. The signalisation of the New Road/Wrockwardine Wood way junction should alleviate existing congestion, while additional parking land at the Football/Bowling Club would provide a suitable level of parking for the school and access to the Silkin Way for pedestrians via a new traffic signal controlled crossing across New Road. Financial contributions are also requested towards appropriate Traffic Regulation Orders to safeguard the New Road access junction.

All Members welcomed the principle of the proposed school development but some Members expressed a number of concerns regarding the application. During the course of a vigorous debate, particular comments were raised regarding security, limited parking, disabled parking, coach facilities, increased traffic generation, poor design, suitability of traffic lights, the absence of a sequential test for alternative access and egress, the suitability of the proposed access and egress, whether the technical assessment model would translate in practice and provided sufficient assurance, sustainability, loss of green network, impact on local amenity, hours of use and disturbance to residents and drainage.

In response to questions, the Planning Officer advised that a shared use agreement would exist with the Football/Bowling Club to enable the school to use the car park, which would result in a net overall gain in parking spaces. He advised that sequential tests only applied to the location of proposed retail development in relation to town centre uses. He also reiterated that discussions regarding drainage were ongoing and it was possible to impose a condition to ensure that the details of any solution were provided and accepted before development began. He stated that there were no current coach facilities but that the application proposed two bays and a turning facility for coaches.

The Assistant Director: Planning Specialist reiterated that the shared use agreement would maximise parking arrangements, that access and traffic circulation had been deemed acceptable in accordance with national standards and specifications, that officers were satisfied that drainage issues could be adequately resolved following

discussions with Severn Trent Water and that this would be the subject of a Grampian condition, and that the proposals were considered to be sustainable.

Some Members felt that the proposed Grampian condition would sufficiently deal with drainage issues and all other concerns raised, particularly those directly relating to traffic and parking, could be dealt with sufficiently by the recommended conditions. Some Members also noted that the Parish Council had not been able to identify an alternative access. On balance, therefore some Members considered that the application could be supported on planning grounds.

Councillor N A Dugmore proposed, seconded by Councillor V A Fletcher, that determination of this planning application be deferred to enable the applicant to consider an alternative access and for a defined drainage scheme to be presented but, on being put to the vote, this was not agreed.

On being put to the vote it was, by a majority:

RESOLVED – that with respect to planning application TWC/2013/0676 the Development Management Manager be authorised to grant planning permission subject to

- (a) The Council as landowner agreeing to provide a Memorandum signed by the Assistant Director Development, Business and Employment agreeing that the Council will provide the following sums at timescales to be agreed with Telford & Wrekin Council Highways:
 - (i) £5,000 in connection with Traffic Regulation Order works;
 - (ii) Up to £11,100 commuted maintenance sum in respect of PUFFIN crossing (final cost depending on design); and
 - (iii) £22,000 commuted maintenance sum in respect of signal junction at Wrockwardine Wood Way/New Road.
- (b) the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).
- (d) TWC/2013/0693 - Land adjacent to 8 Heath Court, Cliff Crescent, Ellerdine, Telford, Shropshire

This was a full application seeking permission for 12 dwellings comprising 4 two storey detached dwellings and 8 two storey semi-detached dwellings, together with refurbishment and conversion of a former blacksmith's workshop to a storage facility for the proposed two neighbouring residential units.

Councillor S Bentley, Borough Ward Member, welcomed the application, commending the open dialogue approach which the Applicant had taken in the community. However he asked whether education contributions could be ring-fenced and whether the affordable housing could be subject to a local connection agreement.

Mr C Huntley, the Applicant's Agent, spoke to support the application, commenting on community engagement, traffic, drainage, management of construction works, privacy, sustainability, retention of The Smithy, proposed financial contributions and affordable housing.

The Planning Officer drew Member's attention to the section of the report which dealt with the principle of development in terms of the National Planning Policy Framework and housing supply. She also commented upon consultation responses received, drainage, residential amenity and play facilities. The Legal Advisor confirmed that the Section 106 Agreement would pick up issues regarding affordable housing for families with a local connection.

Members unanimously welcomed the proposals.

RESOLVED – that with respect to planning application TWC/2013/0693 the Development Management Manager be authorised to grant planning permission subject to:-

- (a) the applicants/landowners entering into a Section 106 Agreement to provide**
 - (i) 33% (4 units – Units 3, 4, 5, and 6) of dwellings developed to be affordable;**
 - (ii) A contribution of £7,200 toward meeting the recreational / play needs arising from this development near to the application site;**
 - (iii) A contribution toward the provision of primary education of £20,571 based on a scheme of 12 dwellings and the housing mix provided;**
 - (iv) Planning monitoring contribution.**

- (b) and further subject to the conditions set out in the report.**

The meeting ended at 8.05pm

Chairman:

Date:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 4 December 2013 at 6.00pm in the Auditorium, Abraham Darby Academy, Hill Top, Ironbridge Road, Madeley, Telford

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, K R Guy (as substitute for G C W Reynolds), A S Jhavar, A A Mackenzie (as substitute for J Loveridge), C P R Mollett (as substitute for R T Kiernan), S A W Reynolds and C R Turley.

ALSO PRESENT: Councillors A J Eade (for planning application TWC/2013/0777) and V A Fletcher (for planning applications TWC/2013/0774 and TWC/2013/0821).

PC-054 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on Wednesday, 6 November 2013 be confirmed and signed by the Chairman.

PC-055 APOLOGIES FOR ABSENCE

Councillors R T Kiernan, J Loveridge and G C W Reynolds

PC-056 DECLARATIONS OF INTEREST

Regarding planning applications TWC/2013/0774 and TWC/2013/0821, Councillors I T W Fletcher and J C Minor indicated that they were Members of St Georges & Priorslee Parish Council but had not taken part in any previous discussions regarding the applications and stated that, in the circumstances would not be withdrawing from the meeting for those items.

PC-057 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-058 SITE VISITS

None.

PC-059 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2013/0774, TWC/2013/0821 and TWC/2013/0823.

(a) TWC/2013/0774 - Land off, Teece Drive, Priorslee, Telford, Shropshire

This was a full application for the erection of a new 750 place secondary school and 150 place sixth form buildings with associated hard play areas, car parking, landscaping and engineering works.

An update report was tabled at the meeting which detailed further comments received since the publication of the main report and clarified Highways obligations, issues regarding bus service, design issues, issues regarding ecology and rationalisation of existing open space.

Cllr Mrs Brenda Richards representing St Georges & Priorslee Parish Council addressed the Committee, acknowledging the desirability of the new school, but raised the Parish Council's concerns in terms of access, loss of green space and impact on the local community.

Cllr V A Fletcher, Ward Member addressed the Committee in opposition to the application on the grounds that the proposed access was unsuitable and the extra traffic generated would have an adverse impact upon the area and local residents, loss of green space and amenity and sustainability due to a poor local bus service. During her address to the Committee, a photographic slideshow was played showing traffic issues in the vicinity.

Mr B Rive representing Priorslee Community Association noted that his grounds for objection had already been raised and handed over to Mrs S Lane, representing Priorslee Protection Association who also spoke to oppose the proposals. She highlighted issues regarding access, the suitability of the traffic assessment, pedestrian safety, limited consultation, loss of green space and impact on ecology.

On behalf of the Applicant, Mr R Cooke addressed the Committee in support of the application highlighting the scheme as part of the wider Building Schools for the Future project, which provided impetus for the transformation of learning across the borough. He noted that the site was derelict Brownfield and that the principle concern raised during consultation was that of access. He advised that an entrance from Castle Farm Way was not available as part of this proposal but that traffic and safety concerns could be mitigated by condition. He pointed out that the proposal was sustainable and contained community benefits in the form of enhanced sports provision and a modern educational establishment.

The Planning Officer particularly referred Members to aspects of the report which addressed issues relating to the National Planning Policy Framework (NPPF) and sustainability, footpaths, bus routes, parking, highways infrastructure works as detailed in the update report, and the rationalisation of existing open space. He confirmed the site would not be fenced and that the Atkins transport assessment was a joint submission between the Council and Landowner. The Planning Officer also informed Members that due to a technical glitch, the deadline for comments on this application had been published as 16 December 2013 which was later than the statutory requirement. He, therefore, suggested that if the Committee were so minded, in order to take account of any additional comments received during that extended period, grant of permission could be delegated to the Development

Management Service Delivery Manager following consultation with the Chair and Vice-Chair, after the published deadline had passed.

All Members welcomed the principle of the proposed school development but some Members expressed a number of concerns regarding the application particularly regarding the transport assessment submitted by Atkins which significantly differed from the “Corun” report submitted by Priorslee Protection Association, whether a school travel plan would be enforceable at an Academy, limited consultation with the local community, noise in terms of NPPF requirements, increased journey times, inadequate local bus service which did not run until after 9.00am, lack of community benefit due to borough-wide admission criteria for the faith-based school rather than a local catchment, adequacy of proposed access, preference for access from Castle Farm Way, traffic projections, parking and drainage.

In response to questioning, the Planning Officer advised that Environmental Health Officers had not raised objection subject to condition, there was no legal minimum requirement for consultation but that he had attended a Parish Council meeting and met with local residents on an individual basis when they visited the Offices and that School Travel Plans were enforceable by condition but it was likely that some revision would need to take place. He also confirmed that the Transport Assessment had taken into account the cumulative effect of potential residential development on the neighbouring site but that the potential for future modification or mitigation should not be taken into account in the determination of this application. He indicated that existing access from Castle Farm Way had been secured for construction purposes following negotiation with the landowner, but that this could not be extended permanently. He also confirmed that discussions were on-going with Severn Trent Water regarding drainage and it was intended for attenuation to be located beneath the car park if required.

In response to questioning regarding the Transport Assessment, the Highways Development Team Leader informed Members that the submitted Transport Assessment was based upon the Telford Strategic Transport Model (TSTM) supported by individual junction capacity assessments to determine any specific problems or works required to key junctions. The TSTM would be used to determine the acceptability, and associated transport infrastructure requirements of, sites coming forward under the “Shaping Places” Local Development Framework and to inform the Local Transport Plan. The model was approved under the Department for Transport Guidance and the Design Manual for Roads and Bridges (DMRB). It was noted that the “Corun” report contained none of the technical input/output modelling files with which to validate the stated conclusions, however, the main assertions in the “Corun” report regarding higher trip rates, revised junction geometry and traffic flow profile across the peak hour had nevertheless been modelled at 2030 by the Highway Authority and found to be acceptable in terms of both queues and delays. As the suggested alternative access via Castle Farm Way did not form part of the planning submission, it had not been assessed. He also noted that regarding the Priorslee Avenue right turn lane, contrary to the Corun report, DMRB allowed relaxations in the width of ghost right-turn lanes to 2.5m for improvements to existing junctions and 3.0m for through lanes at new junctions. At Priorslee Roundabout there was sufficient width kerb-to-kerb to meet the lane geometry, modelling and capacity requirements as required under either modelling scenario and regarding the

profile over peak hour, the TSTM suggested a flat profile which had been included in the submitted Transport Assessment and supported by the Highway Authority.

Responding to further questioning, the Highways Development Team Leader indicated that the bus service had been investigated in conjunction with the bus operator and it was considered possible to extend the No. 24 service to cater for school arrival time at a minimal cost. He referred to the highways recommendations regarding the provision of and extension to pedestrian routes to link with the bus stops on Priorslee Avenue along with funds to upgrade the bus stops, upgrades to surfacing and lighting to the footways and public rights of way which would provide pedestrian access to the site. He also noted that there were no footways on the Ricoh access side of Priorslee Avenue which would lead pedestrians to cross at this location. He noted reference to an additional accident to those reported in the Transport Assessment but this was considered to be an isolated incident and that this and the accidents reported in the Transport Assessment did not highlight any deficiencies in the highway network. The Highways recommendation also requested a condition allowing access to the school car park to cater for any capacity issues associated with the 21 spaces provided for parent drop-off/pick-up and financial contributions had been requested towards Traffic Regulation Orders at the junction of Teece Drive and Priorslee Avenue and any subsequent areas of Priorslee. Traffic volumes on Priorslee Avenue during the busiest peak hour were below the theoretical road capacity at 2030 and no evidence of link-capacity issues on Priorslee Avenue had come to light during modelling. All traffic flows and junction assessment work excluded the possible reduction in car borne travel associated with the School Travel Plan which was the subject of a recommended condition. He further noted that submitted photographs of primary school parking demonstrated a high proportion of illegal parking but this occurred some distance from Teece Drive and Traffic Regulation Orders could be considered along the intervening section of Priorslee Avenue to address illegal parking but would need to be subject to enforcement by the Police. The Highways Development Team Leader also confirmed that Teece Drive was wide enough for two coaches to pass and that parking for potentially four coaches was indicated on the layout which was the subject of the recommendation.

After consideration of the responses to questions, some Members considered that whilst access from Castle Farm Way was the preferred option, it was accepted that this did not form part of the application and that sufficient Highways conditions had been recommended to mitigate concerns regarding access from Teece Drive. Members were also supportive of potential improvements to the local bus service. It was noted that the land had previously been developed and that the proposals would provide a long-desired school in Priorslee. It was further noted that the proposals conformed to the NPPF requirements for sustainable development.

The Assistant Director: Planning Specialist confirmed that if Members were minded to approve the proposals, the travel plan would be connected to the site and any non-compliance would be a breach of consent. He also reiterated advice that the proposals were considered to be compliant with the NPPF in terms of a presumption in favour of sustainable development, that Highways modelling tools were Department for Transport approved and, therefore, the proposals met with government expectations, that there was no alternative access proposed as part of

this application, and that improvements to the bus service would be sought by the Highways Authority. He referred Members to the sections of the report dealing with footpaths, parking and drainage. In making their decision, he asked Members to consider whether the evidence presented suggested that there were defensible reasons to refuse the proposals.

On being put to the vote, the proposal was approved by a majority

RESOLVED – that with respect to planning application TWC/2013/0774 the Development Management Service Delivery Manager be authorised, following consultation with the Chair and Vice-Chair of the Planning Committee, to grant planning permission subject to :-

- (a) The Council as landowner providing a Memorandum signed by the Assistant Director Development, Business and Employment agreeing that the Council will provide the following sums at timescales to be agreed with Telford & Wrekin Council Highways Officers:
 - (i) Traffic Regulation Order to encompass Teece Drive and Ricoh entrance junctions off Priorslee Avenue £5,000;
 - (ii) £5,000 in connection with Traffic Regulation Order works elsewhere in Priorslee if required;
 - (iii) Up to £24,000 commuted maintenance sum in respect of the signalisation works for the Castle Farm Way and Priorslee Avenue junction;
 - (iv) Up to £12,000 commuted maintenance sum in respect of TOUCAN crossing in the vicinity of Salisbury Avenue where NCN81 crosses Castle Farm Way;
 - (v) Up to £10,000 toward the upgrade of bus stops in the vicinity of the proposal; and
- (b) the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).
- (b) TWC/2013/0777 - Aston Grove, Moorfield Lane, Church Aston, Newport, Shropshire, TF10 9EH

This was an outline application for residential development with associated access following demolition of Aston Grove with all other matters reserved. The application indicated a total of 10 units with 7 being Open Market housing (5 three bed and 2 four bed) and 3 Social Rented Housing (2 two bed and 1 three bed).

Cllr A J Eade, Ward Member, spoke to oppose the application expressing concern that the single-track was not suitable for the development, that existing walls should be retained and that the application was premature. He also expressed concern that recent evidence suggested that a five year housing supply did not exist and sought an explanation due to the implications for the Shaping Places document and planning policy.

The Applicant, Miss P Stephan, addressed the Committee in support of the application, noting the retention of TPO trees, removal of a low quality hedge and increase in visibility splay to be secured by moving the existing wall. She noted that surrounding land was also subject to planning permission and drew attention to the NPPF requirements regarding housing supply.

The Planning Officer confirmed that as a five year supply of deliverable housing sites could not be demonstrated, the application had been considered in terms of the 'presumption in favour of sustainable development' as no material considerations indicated otherwise. She commented that the site was sustainable, that residential development would take place on the adjacent site and, as part of those proposals, the traffic speed limit outside the access to Aston Grove on Wellington Road would be reduced to 30mph. She noted that ecological concerns could be mitigated by condition and pointed out that the layout of the site was a reserved matter.

Members requested a detailed explanation of the issue regarding housing supply which was provided by the Assistant Director: Planning Specialist. He referred Members to the detailed published statement on Five Year Housing Land Supply which was available to view on the Council's website and confirmed that there was no change to local policy. In summary, he referred to the provisions in the NPPF which established the 'presumption in favour of sustainable development' should an Authority be unable to demonstrate a five-year supply of deliverable housing sites. The new policy approach was key to the Government's drive to bring about a rapid and substantial increase in new homes across the country. Evidence indicated that no English region would meet this requirement as it was based on evidence of delivery. Due to the economic recession, the rate of building had declined and, therefore, evidence of supply could not be proven even though 800 homes were being built per year, potentially making Telford the fastest growing town in the country. The Local Planning Authority was therefore responding to a position set by Central Government and recommending to Members how to determine applications in the context of this position.

Although Members expressed some continued frustration with the position regarding housing supply, on being put to the vote it was unanimously

RESOLVED – that with respect to planning application TWC/2013/0777 the Development Management Service Delivery Manager be authorised to grant planning permission subject to :-

- (a) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
 - (i) Provisions ensuring that 35% of the dwellings to be built shall be affordable housing (in this case as social rented) in number, with any fraction of this 35% not being sufficient to construct a full unit then the remainder shall be calculated and given to the Council as an off-site contribution; and

- (ii) **An open space contribution as required by Policy LR4 and LR6 of the Wrekin Local Plan equating to £600.00 per 2-bedroom property (or above) to be provided upon commencement of the development.**
- (b) **the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager)**
- (c) TWC/2013/0821 - Land adjacent to Kiyokuni Europe Ltd, Holyhead Road, Snedshill, Telford, Shropshire

This was an application for change of use of vacant employment land to a two year temporary gypsy and traveller caravan transit site with the provision of 15 pitches and portable toilet facilities for a temporary two year period. The proposals indicated that the pitches would comprise 14 “double” pitches (2 caravans and 2 cars) and one “single” pitch (with one caravan and one car). Therefore the total provision on the whole site was for 29 caravans and 29 cars. The proposal included charges for occupation.

An update report was tabled at the meeting which detailed amended plans received, additional consultation responses received and information regarding the policies relevant to this application, particularly the Central Telford Area Action Plan (CTAAP) and NPPF.

Cllr Mrs Brenda Richards representing St Georges & Priorslee Parish Council (adjoining parish) spoke to oppose the application on the grounds of increased traffic, impact upon the area and the weight of public objection.

Cllr V A Fletcher, Ward Member for adjoining Ward (Priorslee), addressed the Committee in opposition to the application. Although she recognised the Council’s statutory obligations towards the travelling community, she believed that the site was not appropriate due in part to it’s proximity to the M54 and associated noise and pollution. She also believed that the application was in breach of CTAAP and the NPPF. Cllr Fletcher noted the weight of public objection as evidenced by petition and individual letters and questioned the potential for non-compliance with any time limit on stays and enforcement of conditions of use.

Mr A Jones spoke on behalf of Castle Trading Estate Management Company to oppose the application in terms of consultation, contradiction of policy (CTAAP and NPPF), strategic importance of the site and its designation as employment use, the purpose of the transit site whilst awaiting extension of Lodge Road and discrepancies in the application. He believed that there procedural issues regarding the amended Red Line plan and sought withdrawal of the application from consideration at this time under the threat of an Ombudsman complaint.

On behalf of the Applicant, Mr J Bedesha addressed the Committee in support of the application. Mr Bedesha noted the Council’s statutory obligations in terms of the Housing Act 2004 and the need to limit illegal encampments and their associated adverse impacts. The site, which was well screened, would be managed by the

Council's Housing Team by license agreement and conditions and any breach of license or conditions would result in eviction. The Council was also still looking to identify a suitable alternative site.

The Planning Officer particularly referred Members to aspects of the report which addressed issues relating to the principle of development in relation to local and national planning policy, design, location and highways. She noted speakers' concerns regarding the submission of amended plans but indicated that the Red Line had not changed, only the layout, and therefore there was no reason to reconult and no breach of procedure had occurred. The Planning Officer also informed Members that due to a technical glitch, the deadline for comments on this application had been published as 18 December 2013 which was later than the statutory requirement. She, therefore, suggested that if the Committee were so minded, in order to take account of any additional comments received during that extended period, grant of temporary permission could be delegated to the Development Management Service Delivery Manager following consultation with the Chair and Vice-Chair, after the published deadline had passed.

During the course of the debate, some Members raised questions regarding planning policy (particularly CTAAP); loss of employment land, consideration of coal mining features and that fencing had already been erected on the site. Concerns were also raised regarding crime and antisocial behaviour, occupation by pitch and not by family, considerable public objection and the evidence-base for assertions that there was a lack of space for gypsies and travellers.

In response to questions raised, the Planning Officer advised that there was an abundance of employment land in the borough and by taking a balanced view and considering the temporary nature of the site, it was considered that the lack of facilities for gypsies and travellers outweighed the provisions of CTAAP in this particular case. In particular, she advised that the Planning Policy for Traveller Sites (paragraph 25) indicated that as a five-year supply of deliverable sites could not be demonstrated, this constituted a significant material consideration in the consideration of applications for the grant of temporary planning permission. She confirmed that as no below ground level works would be carried out on site, the Coal Authority did not object to the proposals subject to an Informative and that the fencing which had been erected at the site did not require planning permission.

Continuing the debate, some Members were of the opinion that a requirement for a temporary traveller site could be demonstrated by the growing number of illegal encampments across the borough. The Council's statutory obligations were noted, together with the abundance of employment land and national policy provisions regarding land supply. It was noted that work was taking place to extend permanent provision at Lodge Road, which was a well-managed site, and no evidence of antisocial behaviour at existing permanent sites had been presented. Considerable public objection was noted but it was also noted that of those objections received, only a small percentage came from residents or businesses in the immediate vicinity.

The Assistant Director: Planning Specialist summarised the reasons for the recommendation to approve this application, highlighting the Council's responsibility to provide traveller sites and, whilst this site represented a departure from local

policy, it did not change the provisions of CTAAP and the lack of a five year supply of sites was presented as a significant material consideration. Ground conditions had been considered and could be dealt with by Informative; no evidence had been provided of antisocial behaviour at existing sites. He indicated that evidence of need had been written several years ago and a greater demand could now be evidenced by the numbers of unauthorised encampments. He concluded that in making their decision, Members needed to determine whether there were any sustainable and defensible reasons to refuse permission on the basis of planning matters alone.

On being put to the vote, it was by a majority

RESOLVED – that with respect to planning application TWC/2013/0821 the Development Management Service Delivery Manager be authorised, following consultation with the Chair and Vice-Chair of the Planning Committee, to grant two year temporary planning permission subject to the conditions set out in the update report tabled at the meeting.

Councillor I T W Fletcher asked that his vote against the recommendation be recorded in accordance with procedure rule 11.4.

(d) TWC/2013/0823 - Blessed Robert Johnson Catholic College, Whitchurch Road, Wellington, Telford, Shropshire, TF1 3DY

Councillor A A Mackenzie left the meeting prior to consideration of this item.

This was a full application for the demolition of existing school buildings and the erection of a 1200 place secondary school with associated parking and hard and soft landscaping. An update report was tabled at the meeting which set out additional comments received since the publication of the main report and clarifying the highways works to be secured by condition rather than a Memorandum.

Noting the principle of development on site already existed, that land ownership was not a material consideration and that parking provision would be significantly increased, Members welcomed the new school facilities.

RESOLVED – that with respect to planning application TWC/2013/0823 the Development Management Manager be authorised to grant planning permission subject to the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

The meeting ended at 8.46pm

Chairman:

Date:

PLANNING COMMITTEE

**Minutes of a meeting of the Planning Committee held on Wednesday,
11 December 2013 at 6.00pm in the Telford Suite, The Telford Whitehouse Hotel,
Watling Street, Wellington, Telford TF1 2NJ**

PRESENT: Councillors J C Minor (Chairman), S P Burrell, N A Dugmore, E J Greenaway, K R Guy (as substitute for J Loveridge), A S Jhawar, G C W Reynolds, S A W Reynolds and C R Turley

ALSO PRESENT: Councillors S Bentley (for planning application TWC/2013/0685), A J Eade (for planning application TWC/2011/0871) and A A Meredith (for planning application TWC/2011/0871)

PC-060 APOLOGIES FOR ABSENCE

Councillor J Loveridge.

PC-061 DECLARATIONS OF INTEREST

Cllr N A Dugmore commented on his position regarding planning application TWC/2013/0832 but stated that, in the circumstances he would not be withdrawing from the meeting for that item.

PC-062 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-063 SITE VISITS

RESOLVED – that a site visit takes place at 3.00pm on Wednesday, 18 December 2013 at land off Castle Farm Way, Priorslee, Telford, Shropshire in respect of planning application TWC/2013/0769.

PC-064 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2011/0871 and TWC/2013/0832.

(a) TWC/2011/0871 - Land to the East and West of Station Road, Newport, Shropshire

This was an outline application, including access, for the erection for up to 350 dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development. Issues relating to layout, scale, appearance, and landscaping were reserved matters for later consideration.

The Planning Officer advised that the application was first submitted in October 2011 and included 3.9 hectares of land to be used for a new supermarket and petrol filling

station; this application had since been amended and now excluded that land such that the supermarket and petrol filling station no longer formed part of the outline application. The Planning Officer pointed out that if members were minded to grant outline planning permission, then the committee report and committee resolution would be sent to the Secretary of State, to allow an assessment to be made as to whether there were any issues of a significant enough nature to warrant intervention or whether the final decision could be left to the local planning authority. Referral to the Secretary of State had taken place for housing applications at Wellington Road and Land North of Audley Avenue, and neither application had been called-in. The Planning Officer reminded Members that the Council's housing land supply had recently been reassessed and that the five year deliverable supply required by the National Planning Policy Framework (NPPF) was not available; she did not believe that there were significant material planning considerations to outweigh the provisions of the NPPF in this regard. Not all approved housing development would come forward at the same time, there would be some phased development. The Planning Officer also referred Members to the Cabinet report dated 14 November 2013 which considered a review of employment land in Newport and drew attention to the enhancement to employment land which was proposed by the application. The Planning Officer also explained that Newport's continued growth would require some greenfield sites to be built on and that there would be some loss of agricultural land as a result. The Planning Officer particularly pointed out that a Habitats Regulation Assessment had been undertaken which concluded that there would be no adverse impact on statutorily protected sites and the application had been subject to an Environmental Impact Assessment. In addition, the Environmental Statement had recently been revised and updated and the Environmental Statement had been considered in assessing the application.

The Planning Officer also highlighted the update report which had been tabled which set out further comments received since publication of the main report. The Planning Officer pointed out that there was no objection from Highways subject to Section 106 contributions, drainage or ecology officers.

Cllr J Pay, representing Church Aston Parish Council spoke in opposition to the application on the grounds of housing need and the Council's recent statement on housing land supply in the borough, viability of affordable housing targets, sustainability and the impact on local infrastructure. He made assertions that there had been some misinformation during consultation.

Cllr A J Eade, Ward Member for Church Aston and Lilleshall, spoke against the application questioning the evidence that there was not a deliverable five year supply of housing land in the borough as required by the National Planning Policy Framework. He noted the effect of this requirement was that the application could only be refused on the grounds of sustainability, and he pointed to issues regarding highways, impact on GP and dental surgeries and loss of employment land to support refusal. He suggested that the Committee should defer determination of the application until the Cabinet had considered the housing supply position as part of the Shaping Places: Local Plan Update report which was due to be presented on 12 December 2013.

Cllr A A Meredith, Ward Member for Newport South, also spoke to oppose the application in terms of the length of time it had taken for the application to come forward for determination, disturbance to current tenants of employment units and the potential for them to relocate outside Newport if they were not rehoused prior to demolition, loss of employment land contrary to the Cabinet decision on 14 November 2013, size of

homes and distortion of local rental market by annual tenancies let to students at Harper Adams University.

Mr P Hill, the Applicant's Agent addressed the Committee in support of the application, pointing to the national impact of the government's directive regarding five year housing supply, the mixed-use nature of the application, including extra care facilities and open space. He noted the proposed extension of bus services, and financial contributions. He noted that the current business park was out-dated and facilities would be significantly enhanced by these proposals. He indicated that, if Members were minded to support the proposals, development would take place in a phased, co-ordinated manner which would support current tenants of the business park.

Members asked a number of questions about the application which were addressed by the Assistant Director: Planning Specialist:-

- Government policy stated that where a 5 year housing supply could not be demonstrated, relevant policies for the supply of housing could not be considered up-to-date. Difficulties had arisen over how a "deliverable" housing supply was defined. He advised that after careful consideration of the terms of the NPPF, recent decisions by the Planning Inspector and advice from the Local Government Association, Officers had concluded that whilst approvals existed, a 5 year supply could not be demonstrated. This position was reflected nationally as the housing market remained difficult due to the economic recession. In accordance with the NPPF, this limited the weight the Council could apply to its housing supply policies when determining planning applications and instead there was a 'presumption in favour of sustainable development'.
- The National Planning Policy Framework set out the government's definition of sustainable development and it was the Planning Officer's opinion that this application was compliant with the requirements.
- There had been no change to local policy and there was no basis upon which the Committee could be recommended to defer the application.
- The Chancellor's Autumn Statement indicated that if Local Authorities refused applications for housing development which were later overturned at appeal, a loss of New Homes Bonus would result.
- The timeframe for bringing an application forward was somewhat led by the developer.
- The Cabinet report of 14 November 2013 regarding the need for employment land in Newport noted the need for quality facilities as well as quantity. Whilst the current employment buildings would be lost, the new buildings proposed by this application represented a significant enhancement in provision for future employment. The report represented an update of the position that was reported in 2012.
- The Council's Choice Based Lettings Scheme was not a material planning consideration.
- Education colleagues were satisfied that Burton Borough School could meet the needs of the development.
- Utilities and Geotechnical Engineers had not raised issues and there was no reason put forward why the site could not be adequately served. Similarly, no objection had been raised regarding flooding.
- Housing Needs Officers had not raised any issues regarding the Extra Care facilities. A spread of facilities across the borough was sought.

- At the examination in public of the Council's Core Strategy, it was concluded that development of Greenfield land in Newport was inevitable to provide for future needs.

After consideration of these responses, the debate continued with Members noting that education contributions would be phased and subject to indexation. Some Members considered that the housing development would have a positive impact on the local economy and boost spending power on the local high street. A significant waiting time for affordable housing in the locality was noted and the viability of developing Brownfield land was considered as well as whether there may be Brownfield land of a large enough size to accommodate these proposals. Some Members considered that the current business park was outdated and welcomed the proposed modern accommodation which would be efficient, sustainable and attractive to new businesses. The Chancellor's Autumn Statement with regard to the New Homes Bonus was noted and considered in light of a case in Lancashire where the Planning Inspector had over-turned decisions to refuse planning permission. Members, therefore, acknowledged that there needed to be good, defensible reasons to refuse the application.

Some Members sought greater clarity regarding viability as it was noted that it had proved difficult to achieve affordable provision in Newport. The Assistant Director: Planning Specialist indicated that developers could not be forced to build unviable homes and he was unable to guarantee that the developer would not seek a reduced contribution of affordable homes on the grounds of viability. However, the Committee were advised to make their decision based upon the proposals before them. Some Members also noted proposed works at Burton Borough School under the Building Schools for the Future programme, but noted that capacity at the school would not be significantly increased. Some Members noted the debate between housing need and deliverability and expressed disappointment that the government drive to increase house building had a perceived negative effect on the local community and preferred to await the Council's Cabinet's consideration of the Annual Monitoring Statement before making a decision on this application.

Some Members considered that the concerns which had been raised were adequately addressed in the report and by Officers at the meeting and, whilst local opposition to the proposals was noted, for reasons of planning policy and strategy they did not consider that they were in a position to refuse the application.

On being put to the vote, it was by a majority

RESOLVED – that with respect to planning application TWC/2011/0871 the application be referred to the Secretary of State and if there is no objection or no request to call-in the application within the prescribed time period then the Development Management Service Delivery Manager be authorised to grant outline planning permission subject to the applicants/landowners entering into a Section 106 Agreement to provide: 35% affordable housing; £820,596 for off-site highway infrastructure works; £10,000 for public transport infrastructure; £7,500 for Public Rights of Way; £360,000 for public transport service enhancements; £10,000 for Travel Plan monitoring (comprising £5,000 (C class uses) + £5,000 (B class uses)); Commuted maintenance sum for the Station Road PUFFIN crossing to be confirmed; a sum to be agreed for Public Art (to the value of £100,000); £2,464.55 per dwelling towards primary and secondary education facilities; Open space/landscape maintenance sums to be agreed, depending if land to be

transferred to the Council; S106 Monitoring fees (£1,000 flat fee plus £500 per covenant), and further subject to the conditions set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

(b) TWC/2013/0685 - Land adjoining Waters Upton Village Hall, Waters Upton, Telford, Shropshire

This was an application for the erection of 5 detached dwellings with associated garages, provision of open space with associated access.

Ms K Baker, representing Waters Upton Parish Council spoke in favour of the application, welcoming the consultation which had taken place and the community gain which formed part of the proposed Section 106 Agreement. She welcomed the transfer of land, noted that there was sufficient affordable housing in the village and that the front hedge would be maintained. If Members were minded to approve the application, she asked for consideration to be given to plot 5 being designated as a single storey dwelling.

Cllr S Bentley, Ward Member for Ercall Magna, also spoke in support of the application, similarly welcoming the applicant's engagement with the community and reiterating the request for a bungalow at plot 5.

Mr C Huntley, the Applicant's Agent, addressed the Committee in support of the application, noting comments made for the first time at the meeting regarding plot 5 and suggesting that the issue be dealt with at reserved matters stage.

Members listened to the Planning Officer's summary of the report, which drew attention to consultation, principle of development, National Planning Policy Framework requirements regarding housing land supply, the sustainability of Waters Upton village, layout, access, drainage, ecology and the reasons for not requesting financial contributions as part of a Section 106 Agreement. Noting comments regarding plot 5, which had not previously raised, the Planning Officer indicated that there was not an issue with the canopy of the protected Oak Tree as the layout had been amended. Responding to a question as to whether it was possible to condition plot 5 as a single storey dwelling, she did not believe it would be defensible if it were to be appealed and she indicated that it would be more appropriate to pursue this aspect at the reserved matters stage.

Members welcomed the applicant's co-operative approach and hoped that the applicant would continue working with the community at reserved matters stage. On being put to the vote, it was, therefore, unanimously:

RESOLVED – that with respect to planning application TWC/2013/0685 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement to transfer the ownership of land as shown on Drawing No. 15 Land Transfer Plan to Waters Upton Parish Council for community benefit and further subject to the conditions and informatives set out in the report.

(c) TWC/2013/0832 - Burton Borough School, Audley Avenue, Newport, Shropshire, TF10 7DS

This was an application for the erection of a two storey rear learning block extension, with associated landscaping. Relocation of four temporary classroom blocks and creation of new football pitch and demolition of part of existing two storey building and associated remedial works to existing buildings.

An update report was tabled which set out details of a petition received to retain the cadet hut located within the site. The local highways authority had undertaken vehicle tracking and concluded that the building would not be impacted by bus movements.

The Planning Officer also reported that the additional information requested by the Council's Ecologist had been received and additional conditions and Informatives were requested relating to badgers, bats and lighting.

Members welcomed the proposals but some Members expressed reservations that there were insufficient places to accommodate the likely future local population growth; Sixth Form provision was applauded and the retention of the Cadet hut was also welcomed. Clarity was sought on the size of the playing field and the Planning Officer advised the scheme was commensurate with Sport England requirements. In addition, floodlighting for evening community use was questioned and the Planning Officer advised that this could be controlled through the Community Use Agreement.

On being put to the vote, it was unanimously

RESOLVED – that with respect to planning application TWC/2013/0832 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the conditions set out in the report and further subject to conditions relating to badger protection, bat protection, bat and bird boxes, lighting plan and informatives.

The meeting ended at 7.52pm

Chairman:

Date:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 18 December 2013 at 6.00pm in the Main Hall, New College, King Street, Wellington, Telford, TF1 1NY

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, E J Greenaway, A S Jhavar, G C W Reynolds, S A W Reynolds, B J Thompson (as substitute for J Loveridge) and C R Turley.

ALSO PRESENT: Councillors N A M England (for planning application TWC/2013/0808), V A Fletcher (for planning application TWC/2013/0769), A Lawrence (for planning application TWC/2013/0881) and J M Seymour (for planning application TWC/2013/0649).

PC-065 APOLOGIES FOR ABSENCE

Councillor J Loveridge

PC-066 DECLARATIONS OF INTEREST

Cllr N A Dugmore commented on his position regarding planning applications TWC/2013/0808 and TWC/2013/0881 but stated that, in the circumstances he would not be withdrawing from the meeting for either item.

Regarding planning application TWC/2013/0769, Councillor I T W Fletcher indicated that he was a Member of St Georges & Priorslee Parish Council but had not taken part in any previous discussions regarding the application and stated that, in the circumstances he would not be withdrawing from the meeting for that item.

Cllr C R Turley commented that, with regard to planning application TWC/2013/0808, he was a member of Stirchley & Brookside Parish Council but had not taken part in any previous discussions regarding the application and stated that, in the circumstances he would not be withdrawing from the meeting for that item.

PC-067 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-068 SITE VISITS

RESOLVED - that a site visit takes place at 3pm on Wednesday, 15 January 2014 at land to rear of 49, 51, 53, 55, 57, 59, & 61 Muxton Lane, Muxton, Telford, Shropshire in respect of planning application TWC/2013/0881.

PC-069 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding each planning application.

(a) TWC/2013/0649 - Land to rear of Holly Acres, Long Lane, Telford, Shropshire

This was a full planning application seeking consent for the extension of the existing park homes site known as “The Moorings” situated off the A442 in Long Lane, Telford. The proposal included provision for 12 Park homes, 30 Caravan tourers and 10 holiday tents together with associated landscaping, access and fishing rights to canal/pond. Councillor J M Seymour, Ward Member for Wrockwardine had requested that the application be determined by the Planning Committee. During the preparation of the main report, the Local Planning Authority had reconsulted all consultees following receipt of amended plans and an update report tabled at the meeting detailed comments received as a result.

Councillor D Johnson, representing Rodington Parish Council, spoke against the application on the grounds of need, inclusivity, viability and noise disturbance.

Councillor J M Seymour, Ward Member for Wrockwardine, spoke in opposition to the application in terms of housing demand, sustainability, lack of affordable housing, limited current use and the likelihood of business failure.

The applicant, Mrs K Finney, addressed the Committee in support of the application, pointing out that the proposals represented a continuation of existing development at her family home-base and acknowledged that, whilst significant levels of tourism were not anticipated, business aimed at the over 50s would need to be built up over a period of time. She also said that the canal had been dredged.

The Planning Officer explained the three rounds of consultation which had taken place regarding this application and explained the planning history of the site in context with changing national and local policy. She drew attention to issues of sustainability in terms of park management, tourism, design, parking, access and indicated that the canal would not be reinstated so there was no reason to condition landscape and infrastructure on Shropshire & Newport Canal Trust land. She also indicated that it was not reasonable to condition the nature of the business, ie for adults over 55, and that a business viability statement was not necessary in this case with the expansion being at the applicant’s own risk. The threshold for affordable housing had not been met.

Members’ concerns focussed on sustainability but it was noted that the existing site was well managed, that the proposals were compliant with the National Planning Policy Framework and would contribute towards the borough’s tourism aims in the longer term. Members unanimously supported the application.

RESOLVED – that with respect to planning application TWC/2013/0649 planning permission be granted subject to the conditions as set out in the update report.

(b) TWC/2013/0769 - Land off Castle Farm Way, Priorslee, Telford, Shropshire

This was an outline application for up to 600 dwellings, associated open space and infrastructure works with all matters other than access (ie, appearance, landscaping, layout and scale) being “reserved matters” for consideration at a later stage. The proposal included provision for public open space including protected trees, footpaths and drainage courses. In addition, two new vehicular access points were proposed to the north and the south of the existing vehicular access off Castle Farm Way. The site had been subject to previous planning applications, which were detailed in the main report. An update report was tabled at the meeting and Members were given additional time to consider the further comments received since the publication of the main report together with details of Section 106 planning obligations secured following negotiations. A site visit had been undertaken in the afternoon immediately prior the meeting.

Councillor V A Fletcher spoke against the application in terms of access for the adjacent proposed academy, replacement of felled Oak trees, loss of wildlife and ecology, loss of amenity and open space, pollution and noise from the M54, lack of facilities for young people in locality and pressure on infrastructure.

Mr D Hambleton, Chairman of Priorslee Protection Association, spoke in opposition to the application on the grounds of pressure on infrastructure, safety of access and egress, lack of primary education facilities and the Committee’s decision to grant planning permission for application TWC/2013/0774 which he considered to be inappropriate.

The applicant’s agent, Mr S Hawley addressed the Committee in support of the proposals noting that the Planning Officer’s report comprehensively addressed issues raised by speakers.

The Planning Officer highlighted aspects of the report including that the principle of development had already been established on the site, housing need and the requirements of the National Planning Policy Framework, highways and deliverability. In order to provide clarification for Members, he also addressed comments made by speakers, noting that the application was in outline form, but that despite negotiation access to the proposed school from Castle Farm Way was not achievable, many protected trees remained on site, the ecologist’s comments regarding the loss of nesting sites for Little Ringed Plover was highlighted and planning gains were pointed out in terms of play facility provision and education. With regard to proposals for a school on the adjacent site, Members were reminded that this application had to be determined on its own merits.

In response to Members’ questions, the Planning Officer also advised that:-

- A balance was required between ensuring development can progress and securing planning contributions and the £0.4m contribution for primary education was accepted and could make provision for a class base extension.
- The detailed layout of the scheme would come forward in future applications as such an appropriate setback for the proposed dwellings from Castle Farm Way would be considered at this time.

- Drainage was a key viability consideration and the worst case scenario had been incorporated. Severn Trent Water were keen to avoid flooding and modelling would take place to see if the reservoir could cope with the installation of a weir plate. Provision of drainage infrastructure was the developer's responsibility.
- No further detail on phasing was available until a reserved matters application was made. However, it was considered that the proposals were logically formulated.
- The name of the applicant was somewhat irrelevant in the process.
- Section 278 requirements were expected prior to commencement or occupation.
- Joint reports encompassing this application and the school application had been undertaken to consider a cumulative approach.
- As the proposals were currently in outline form, on balance, it was considered that the proposals accorded with design criteria.
- Access issues for the proposed academy on adjacent site were considered in depth as part of those proposals on 4 December 2013; access for the school did not form part of this application.

In response to questioning regarding the Section 278 Agreement, the Highways Development Team Leader advised that the Section 278 works although priced for viability purposes were required to be undertaken regardless of cost and once the works were completed the Section 278 agreement, signed between the developer and the Council as Highway Authority, would be discharged. The commuted sums detailed were for ongoing maintenance and would be required as part of a Section 106 Agreement and would be secured on completion of the works.

The Assistant Director: Planning Specialist added that the proposals had been evaluated for viability, finance and education officers were aware of proposed education contributions together with the context and viability issues involved and funds would be used effectively, the proposed first phase had been designed to limit disturbance to the school and would effectively form a barrier between the school and the remaining development, access issues for the proposed new school were not part of this application and the proposals were acceptable to both the Highways Authority and Highways Agency, drainage issues were the responsibility of the utility company and the Environment Agency and no objection had been raised. He reminded Members that the site was brownfield, that the principle of development had been established and that the application was in outline form.

Following the above clarification, some Members considered that the development was sustainable and acknowledged its brownfield status; it was also considered that the proposals were National Planning Policy Framework compliant and would contribute towards the housing supply. Some Members also noted a good variety of housing types outlined in the proposals together with amenity space and contributions for affordable housing and play facilities. Therefore, the majority of Members did not believe that there were material planning reasons to refuse the application and it was

RESOLVED – that with respect to planning application TWC/2013/0769 provided that the viability position is final and the heads of terms of the

proposed S106 agreement are confirmed and acceptable, the Development Management Service Delivery Manager be authorised to grant planning permission subject to:

- (a) the applicants/landowners entering into a Section 106 agreement with the Council (final figures and terms to be agreed by the Service Delivery Manager of Development Management) relating to:
 - (i) to provide £1,100,000 contribution toward provision of off-site affordable housing units in the Telford urban area;
 - (ii) a contribution of £220,000 toward the provision, maintenance or enhancement of play equipment or facilities near to the application site;
 - (iii) a contribution toward the provision of primary education of £400,000;
 - (iv) a contribution of approximately £570,446 toward the maintenance of open space and drainage features to be determined in line with a detailed schedule of rates when full details are available;
 - (v) planning and travel plan monitoring contribution of £10,000;
 - (vi) a contribution of £100,000 will be made towards improvements to public transport in the area;
 - (vii) up to £10,000 toward the upgrade of bus stops in the vicinity of the proposal;
 - (viii) up to £24,000 commuted maintenance sum in respect of the signalisation works for the Castle Farm Way and Priorslee Avenue junction;
 - (ix) up to £24,000 commuted maintenance sum in respect of the signalisation works for the Castle Farm Way and southern access to this development;
 - (x) up to £12,000 commuted maintenance sum in respect of TOUCAN crossing in the vicinity of Salisbury Avenue where NCN81 crosses Castle Farm Way.

Where a contribution has been reduced for viability reasons, they will be subject to a robust review mechanism for fresh viability assessments ideally linked to the phasing of the development to be carried out by the DVS or another independent consultant (at the expense of the owner/developer) from the date this proposal comes before planning committee. This will ensure that a review of the viability of the development proposals will be undertaken at appropriate times to assess whether the S106 package can be enhanced

(b) further subject to the conditions set out in the update report (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager)

(c) TWC/2013/0808 - Grange Park Primary School, Calcott, Stirchley, Telford, Shropshire, TF3 1YQ

This was an outline application with all matters reserved for the demolition of the existing school buildings to enable residential development for up to 37 dwellings together with associated open space, landscaping and infrastructure at the Grange Park Primary School. The redevelopment proposals were related to the Council's 'Building Schools for the Future' programme, with the proposed Lakeside Co-operative Campus including new buildings for the primary school. An update report tabled at the meeting detailed comments received from Affordable Housing and Viability Officers.

Councillor S Parr, representing Stirchley and Brookside Parish Council, spoke to oppose the proposals on the grounds of the adequacy of vehicular access and associated travel plan, lack of affordable housing, links to the 'Building Schools for the Future' programme, the lack of affordable housing in an area with high deprivation levels and lack of community consultation.

Councillor N A M England, Borough Ward Member, spoke against the layout of the proposals in terms of overlook and privacy for existing residential properties.

The Planning Officer particularly drew Member's attention to elements of the report relating to housing supply, sustainability, enhanced school facilities and 'Building Schools for the Future' Funding, which in the circumstances of this particular application was a material planning consideration. She pointed to the lack of affordable housing provision and other planning contributions but on balance considered exceptional circumstances existed in the form of the wider community gain to be realised from the enhanced education facilities provided by the proposed Lakeside Co-Operative Campus on the Lord Silkin School site. Noting concerns regarding access, she reminded Members that this was an outline application with all matters reserved and pointed to the Highways Engineer's comments detailed in the report. With regard to consultation, she advised Members that all applicants were invited to consult with the community but it was not reasonable to withhold consent if this option was not explored.

Following questioning regarding access, the Planning Officer confirmed that conditions would be appropriately worded to reflect that access was a reserved matter and noted Members' concerns that consideration should be given to ensuring vehicular access for residents of Calcott was not limited by the school run. The Planning Officer also advised that the proposed density accommodated residents' concerns regarding overlook and privacy. Whilst disappointment was expressed regarding the lack of affordable housing, Members noted the position regarding viability and it was, by a majority

RESOLVED – that with respect to planning application TWC/2013/0808, the Development Management Service Delivery Manager be authorised to grant planning permission subject to:

- (a) The Council as landowner agreeing to provide a Memorandum signed by the Assistant Director: Development Business and Housing agreeing that the Council as landowner will pay the contributions (i), (ii) and (iii) below either upon the sale of any of the development land or upon commencement of the development whichever is the sooner (precise terms to be agreed by the Development Management Service Delivery Manager).**
 - (i) £1,500 in connection with Traffic Regulation Order works for the implementation of a Traffic Regulation Order (Parking Restriction) on Calcott to replace the School Zone Road Markings. The monies are to be indexed.**
 - (ii) That commuted sums of money for the maintenance of the open space and any surface water attenuation feature on site to be agreed prior to development.**
 - (iii) That funds raised from the sale of the land are directed to the delivery of the new Lakeside Academy in Stirchley.**
- (b) further subject to the conditions set out in the update report including clarification of condition 7 regarding road access (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager)**
- (d) TWC/2013/0881 - Land to rear of 49, 51, 53, 55, 57, 59, & 61, Muxton Lane, Muxton, Telford, Shropshire**

This was an outline application for the erection of 5 detached dwellings and double garages. Access, layout and scale were included for determination with appearance and landscape matters reserved for subsequent consideration. Councillor A Lawrence, Ward Member for Muxton had requested that the application be determined by the Planning Committee. An update report tabled at the meeting set out submission of amended plans, clarified planning history at the site and detailed further comments received since the publication of the main report.

Councillor A Lawrence spoke against the application in terms of a previous application which had been refused on appeal, the location being outside the urban area, access and loss of visual amenity. He urged members to undertake a site visit and the Chairman exercised his discretion to allow circulation of the previous appeal decision.

Messrs H Haycocks, S Clinton and O Daley, local objectors, spoke to oppose the application on the grounds that it was contrary to policy, citing previous appeal decision and the suitability of the site as set out in the SHLAA 2012 Report, access, pedestrian safety, loss of privacy and loss of amenity.

The Applicant, Mr A Williams, spoke in support of the application, addressing concerns raised by noting that the road was constructed to an adoptable standard, the layout accommodated protected trees, bat and bird boxes would be installed, loss of view was not a material planning permission and no overlook would result due to the length of existing gardens. He also pointed to the context of changing planning policy, housing supply and sustainability.

The Planning Officer advised Members that since the appeal decision which speakers had referred to, there had been a shift in local and national policy which supported the government's drive to increase housing supply and in light of this, it was considered that the application was acceptable.

Following a brief debate, during which Members expressed concerns regarding issues of access and sustainability, Councillor I T W Fletcher proposed, seconded by Councillor N A Dugmore, that the application be deferred to allow Members to undertake a site visit. On being put to the vote, this was agreed by a majority.

RESOLVED – that determination of planning application TWC/2013/0881 be deferred to allow the Committee Members to make a Site Visit.

The meeting ended at 8.07pm

Chairman:

Date:

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Tuesday, 19 November, 2013 at 6.00 pm at Darby House, Telford

PRESENT: Councillors N A M England (Chair), S. Davies and M B Hosken

ST-05 MINUTES

RESOLVED – that the minutes of the meeting held on 10 July 2013 be confirmed and signed by the Chair.

ST-06 APOLOGIES FOR ABSENCE

Councillors R C Evans, T J Hope, R T Kiernan and A D McClements

ST-07 DECLARATIONS OF INTEREST

None.

ST-08 STANDARDS UPDATE FROM THE MONITORING OFFICER

The Legal Services Manager and Deputy Monitoring Officer presented a report which provided the Committee with an update on matters relating to the ethical framework since the last meeting in July 2013.

Since the last report to the Committee, two new formal Code of Conduct complaints against Parish/Town Councillors had been received. Neither complaint had been referred for investigation, and consultation with the Independent Person, Michael Tebbutt, had taken place where appropriate. In addition, the Monitoring Officer and Deputy Monitoring Officer had continued to give advice and information to elected members, the public and officers from both the Borough and Parish Councils on Code of Conduct matters. The Chair of the Committee had reviewed recent complaints and the assessments undertaken by the Monitoring Officer.

A “refresher” training session for Borough Councillors was taking place on 20 November, and would focus on personal interests, pre-determination and bias as well as identifying any emerging issues from the new ethical framework. The Chair advised that it was an opportunity for Members to provide feedback on what they wanted in terms of support and advice on standards and ethics. Feedback from the training session would be provided at the next meeting of the Committee. On 5 November 2013, the Council had hosted a development seminar for the Independent Person from all West Midlands authorities. This had been attended by the Independent Person for Telford & Wrekin and his Reserve, as well as the Monitoring Officer. Feedback from this event had been very positive.

Appended to the report was recent guidance issued by the Department for Communities & Local Government on “Openness and Transparency on Personal Interests”. It was designed to give basic, practical information to help councillors when registering their personal interests. This now included a requirement to specify trade union membership on the register of interests form. While this was not a legal

requirement, all Members needed to be aware of the guidance – and it would be reported at the training session on 20 November.

RESOLVED - that the report be noted.

The meeting ended at 6.12pm

Chairman:

Date: