

Cabinet

8 December 2022



Lewes District Council

Time and venue:

2.30 pm in the Ditchling and Telscombe Rooms at Southover House, Southover Road, Lewes, BN7 1AB

Membership:

Councillor James MacCleary (Chair); Councillors Zoe Nicholson (Vice-Chair) Matthew Bird, Julie Carr, Chris Collier, Johnny Denis, Stephen Gauntlett, William Meyer and Ruth O'Keeffe

Quorum: 4

Published: Wednesday, 30 November 2022

Agenda

1 Minutes of the meeting held on 10 November 2022 (Pages 5 - 12)

2 Apologies for absence

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

5 Public question time

To deal with any questions received from members of the public in accordance with Council Procedure Rule 11 (if any).

6 Written question from councillors

To deal with written questions which councillors may wish to put to the Chair of the Cabinet in accordance with Council Procedure Rule 12 (if any).

7 Matters referred to the Cabinet

Matters referred to the Cabinet (whether by the Policy and Performance Advisory Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Policy and Performance Advisory Procedure Rules or the Budget and Policy Framework Procedure Rules set out in part 4 of the Council's Constitution.

None.

8 Cost of Living Crisis Update (Pages 13 - 16)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor Zoe Nicholson

9 Portfolio progress and performance report 2022/23 - Quarter 2 (Pages 17 - 28)

Report of Chief Finance Officer
Lead Cabinet member: Councillor Chris Collier

10 Finance update - performance quarter 2 - 2022-2023 (Pages 29 - 42)

Report of Chief Finance Officer
Lead Cabinet member: Councillor Zoe Nicholson

11 Local council tax reduction scheme 2023/24 (Pages 43 - 182)

Report of Director of Service Delivery
Lead Cabinet member: Councillor Zoe Nicholson

12 Council tax base and non-domestic rate income for 2023/24 (Pages 183 - 192)

Report of Chief Finance Officer
Lead Cabinet member: Councillor Zoe Nicholson

13 Local Development Scheme (Pages 193 - 208)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor Stephen Gauntlett

14 Natural Flood Management within the Ouse and Eastern Adur catchment (Pages 209 - 226)

Report of Director of Service Delivery
Lead Cabinet member: Councillor Matthew Bird

Information for the public

Accessibility:

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Public participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address:

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Sub-Committee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Other participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Cabinet

Minutes of meeting held in Ditchling and Telscombe Rooms at Southover House, Southover Road, Lewes, BN7 1AB on 10 November 2022 at 2.30 pm.

Present:

Councillor James MacCleary (Chair).

Councillors Zoe Nicholson (Vice-Chair), Julie Carr, William Meyer and Ruth O'Keeffe.

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Director of Finance and Performance (Chief Finance Officer)), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Nathan Haffenden (Head of Development, Investment and Delivery), Parmjeet Jassal (Interim Head of Financial Planning), Tracey Pannett (Head of Elections), Elaine Roberts (Committee Officer), Simon Russell (Head of Democratic Services), Kate Slattery (Solicitor), Ross Sutton (Head of Financial Reporting) and Mark Walker (Head of Financial Planning).

Also in attendance:

Councillor Isabelle Linington (Leader of the Opposition).

25 Minutes of the meeting held on 22 September 2022

The minutes of the meeting held on 22 September 2022 were submitted and approved and the Chair was authorised to sign them as a correct record.

26 Apologies for absence

Apologies for absence were reported from Councillors Bird, Collier, Denis and Gauntlett. Apologies were also reported from visiting members, Councillors Boorman and Peterson.

27 Declarations of interest

Councillor O'Keeffe declared a personal interest in agenda item 10 (Climate Change and Sustainability Strategy - Annual update 2022), as Chair of the Friends - The Lewes Civic Society. She remained in the room and voted on the item.

28 Elections Act 2022

The Cabinet considered the report of the Electoral Registration Officer and Returning Officer, providing members with an overview of the Elections Act 2022.

The Head of Electoral Services reported that secondary legislation had now been laid and the Council was awaiting further guidance from the Electoral Commission. The Council would be pro-active in making the public aware of Voter ID and the Act's requirement.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and were supportive of the officer recommendations in full. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Resolved (Non-key decision):

(1) To note the report and the actions taken to date and planned to mitigate the risks involved with late implementation of secondary legislation made underpowers conferred by the Elections Act 2022.

(2) To agree that copies of the report be circulated to all members and parish councils for information to make them aware of the Act and its provisions.

Reason for decisions:

The Elections Act 2022 introduces changes that will affect electors, candidates, and the administration of all elections in England (some other elections in the UK).

29 Interim Medium-Term Financial Strategy 2023/24 - 2026/27

The Cabinet considered the report of the Chief Finance Officer, asking them to agree the updated General Fund budget and updated interim Medium Term Financial Strategy, together with the updated Capital Programme position.

The report detailed that the total savings required at this stage for 2023/24 to balance the budget currently amounted to £1.79 million, although it was recognised the figure could change, dependent on central government providing additional resources to the sector in 2023/24, and whether the council faced additional financial pressures, due to demand, loss of income or due to the impact of inflation.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and were supportive of the officer recommendations in full. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Resolved (Non-key decision):

(1) To note the updated MTFs forecasts and the requirement to identify additional savings of £2.2million for the period 2023/24 to 2026/27, but also note that this forecast could change significantly based upon outcome of future

government funding settlements, the ongoing impact of the pandemic, demand for services and inflationary pressures upon the council.

(2) To note that at this stage a forecast £1.8 million of savings are required to balance the 2023/24 budget.

(3) To note the planned review of earmarked reserves and reallocate in line with the emerging risks where possible.

Reason for decisions:

The provide Cabinet with and update and early sighting of key MTFs and budgetary implications in preparation for the setting of a revenue budget and associated Council tax for the forthcoming financial year by law.

30 Climate Change and Sustainability Strategy - Annual update 2022

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the Climate Change and Sustainability Action Plan and to set out proposals for climate change activities in 2023/24.

Thanks were conveyed to Kate Richardson, Strategy & Partnership Lead – Sustainability for progressing the work and achievements outlined in the report.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and made the following recommendation to Cabinet:

To support the officer recommendations in the Cabinet report in full, subject to the following amendment to recommendation (3) being considered:

(3) To support the proposed climate change activities for 2023/24, subject to the consideration of any alternative funding sources available.

Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Cabinet noted that the action plan, detailed at Appendix 1 to the report, covered large sections of the organisation and had been positively welcomed by all staff and community affected.

Following discussions, the Cabinet unanimously agreed to make a revision to officer recommendation (3), to make it clear that proposed climate change activities for 2023/24 were subject to full consideration within the annual business and budget planning process. This was detailed in the resolution below.

Councillor O'Keeffe declared a personal interest in this item as Chair of the

Friends of Lewes – The Lewes Civic Society, who were a beneficiary of one of the projects. She remained in the room and voted on the item.

Resolved (Key decision):

(1) To approve the Climate Change and Sustainability Annual Update (as attached at Appendix 1 to the report) for publication on the Council's website

(2) To note progress to date on the strategy action plan as contained at Appendix 1 to the report.

(3) To support the proposed climate change activities for 2023/24, subject to full consideration within the annual business and budget planning process.

Reason for decisions:

To progress the aims of the Council's Climate Emergency Declaration (2019) to make the Council Net Zero Carbon by 2030 and to assist the same aim to be achieved within the wider district.

31 Housing Development Update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the progress of the housing delivery programme and key projects.

Since publication of the report, Cabinet had reflected on the current political and economic circumstances.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and resolved to not support the officer recommendations in the Cabinet report. Policy and Performance Advisory Committee did not feel that, in view of the spend involved, the business case could be supported, or sufficient alternatives had been presented. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

The Head of Development, Investment and Delivery reported on the impact that the current financial climate was having on the housing market, making it more difficult for councils to viably build affordable housing, and potentially having an impact on the condition and sustainability features of those houses.

A revised set of recommendations were proposed by Cabinet. Whilst finding merit in the original officer proposals, Cabinet agreed that it would not be sensible to proceed with the proposed business case, given the current financial uncertainty. Instead, the Council would proceed with the purchase of the public sector brownfield site, revisit its existing funding for housing development, in addition to exploring external funding opportunities, that may arise in the coming months.

Following initial discussions, Cabinet resolved to exclude the public whilst discussing the exempt appendix, as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972, paragraph 3 – Information relating to the financial and business affairs of any particular person (including the authority holding that information).

Following the exempt discussion, the public meeting resumed. Cabinet unanimously agreed to a revised set of recommendations as set out below. Cabinet wanted to emphasise a strong statement of intent to provide housing on the brownfield site.

Resolved (Key decision):

- (1) Not to proceed on the basis of the business case (Appendix 1 - Exempt) for the project known as the Former Newhaven Fire Station.
- (2) To use the existing delegations (as per the February 2020 Cabinet decision) to proceed with the purchase of that site.
- (3) To hold the site and further review its optimum use and business case
- (4) To authorise the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Housing, Portfolio Holder for Finance and Assets, and Chief Finance Officer, to carry out all necessary actions in relation to the review of the site's future use on the basis that any future proposed housing development will come back to Cabinet for approval.

Reason for decisions:

To enable the Council to purchase redundant public sector brownfield land and to ensure the business case is sufficiently robust in the current economic climate to meet the Council's intentions to develop the site for housing.

Notes: (1) Appendix 1 remained exempt. (2) Exempt information reason 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

32 Property and Asset Management Update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update and seeking decisions on key properties and assets.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and were supportive of the officer recommendations in full. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Thanks were conveyed to the officers for their work, in particular around leases at Stanley Turner Recreation Ground.

Resolved (Key decision):

(1) To note the progress of the Newhaven waste and recycling depot development plans and the focus on re-utilising the existing site at Robinson Road, subject to a detailed business case to follow in the future.

(2) To delegate authority to take all necessary steps to conclude lease arrangements with Boutique Modern at 9/10 Avis Way, Newhaven in line with the key terms outlined in section 2 of the exempt Appendix, subject to such variations that may be agreed in the course of negotiations.

(3) To delegate authority to take all necessary steps to conclude a 30-year lease with Ringmer Parish Council at Fingerpost Field, Ringmer.

(4) To delegate authority to take all necessary steps to conclude leases at the Marine Workshops, Newhaven for a period of longer than 10 years and at an annual rental of more than £25,000.

(5) For Cabinet to recommend to Full Council:

- the grant of a 25- year lease to Lewes Sports Club for the Clubhouse at the Stanley Turner Ground on existing lease terms, subject to such variations that may be agreed in the course of negotiations; and
- the grant of a 25-year lease to Lewes Priory Cricket Club at the Stanley Turner Ground on terms to be finalised.

For this purpose, the Council will be sitting in its capacity as the sole charitable trustee of the Stanley Turner Recreation Ground (charity no 305275).

(6) Notwithstanding the fact that it is not a corporate asset of the Council, to approve the capital budget allocation set out in section 6 of the exempt Appendix and delegate authority to take all necessary steps to undertake remedial action in respect of the retaining wall in New Road & Castle Rise – Lewes.

(7) The delegated authority referred to in paragraphs (2),(3), (4) and (6) are delegations to the Director of Regeneration and Planning, in consultation with the Lead Member for Finance and Assets and the Chief Finance Officer. The delegations include authorisation to carry out all necessary steps including financing, negotiation and determining the terms of, and authorising the execution of, all necessary documentation.

(8) In respect of the proposed grant of a lease to Boutique Modern and the leases at the Marine Workshops, Cabinet waives compliance with the Council's Contract Procedure Rules in the event that the agreed rent exceeds £25,000 per annum, for the reasons set out in this report.

Reason for decisions:

To enable decisions to progress key property and assets as part of the Council's capital programme.

Notes: (1) Appendix 1 remained exempt. (2) Exempt information reason 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting ended at 3.44 pm

Councillor James MacCleary (Chair)

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Report to:	Cabinet
Date:	8 December 2022
Title:	Cost of Living Update
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet member:	Zoe Nicholson, Deputy Leader of the Council, Cabinet Member for Finance and Assets
Ward(s):	All
Purpose of report:	To update Cabinet on steps taken to support residents through the cost of living crisis.
Decision type:	Non-Key
Officer recommendation(s):	(1) To note the progress of measures taken to support residents through the cost of living crisis.
Reasons for recommendations:	The Council has committed to a range of ongoing measures which are supporting residents and organisations across the district.
Contact Officer(s):	Name: Seanne Sweeney Post title: Community Services Lead E-mail: Seanne.Sweeney@lewes-eastbourne.gov.uk Telephone number: 01273 085630

1 Introduction

- 1.1 Earlier in the year it became apparent that the UK was headed for a range of major financial challenges, which together have formed a significant cost of living crisis. The combination of increased fuel, energy and food costs coupled with inflation, is putting huge pressure on households particularly those on low incomes.
- 1.2 In July of this year Full Council declared a Cost of Living Emergency. This recognised that many residents will be adversely impacted as outlined above, particularly through the winter months. Within the motion was a commitment for the Council to hold a cost of living summit, as described in paragraph 2.5.
- 1.3 At its meeting also in July, Cabinet agreed to establish a Cost of Living Crisis Fund. The £250,000 fund would be dedicated to supporting the local voluntary sector as it responds to need through the winter, along with a dedicated officer to administer the fund and coordinate a strategic, longer term piece of work to support residents with the cost of living.

2 Council initiatives to date

- 2.1 The Council recognised that some households who desperately needed it did not qualify for the government's £650 payment, often only rendered ineligible by as little as £1. A separate 'Safety Net' fund of £500,000 was created for these low-income households and, so far, has received upwards of one hundred applications (at time of writing). The Council intends to write to eligible residents shortly advising on how to apply.
- 2.2 The Council Tax Reduction scheme is available to households on benefits or low incomes, with 100% reduction for eligible pensioners. Additionally, Discretionary Housing Payments continue to be available to those who are eligible and potentially facing eviction, with 120 awards confirmed this year and approximately £69,000 remaining at the time of writing.
- 2.3 Autumn's edition of Tenants Open Voice was packed with information for tenants worried about how the cost of living crisis will impact them, including tips for energy saving, grants for households and support with food. Prior to that, the council held a well-attended budgeting workshop for tenants at which Ovesco (a local organisation working towards community owned renewable energy) delivered a presentation on energy wellbeing. December's edition will incorporate a supplement on help and advice through the cost of living crisis.
- 2.4 The Council's quarterly magazine District News is delivered to every household in the district and is filled with help and advice related to the cost of living crisis. Residents will find energy saving information, budgeting advice, foodbank information, signposts to free support in communities and information on local Warm Spaces in the next edition, which will go out in January.
- 2.5 In line with the commitment made at July's Full Council, a Cost of Living Emergency Summit was held in Southover House at the end of October. This saw attendance from a range of partners including food banks, advice and homeless services, church groups, the Voluntary Action and Councillors. The summit marked a collaborative and coordinated approach to the cost of living crisis, with the establishment of a cross-sector steering group and local service directory imminent. Attendees expressed enthusiasm for a second summit in January which will take stock of the challenges and gaps following Christmas.

3 Warm Spaces and support for the voluntary sector

- 3.1 The Cost of Living Crisis Fund is primarily intended to support our local voluntary sector partners as they respond to the extreme challenges brought about by this current crisis. As well as creating dedicated staff resource, the fund also provided emergency payments to local food banks as schools broke out for the summer.
- 3.2 Thanks to the creation of the fund, a grants programme was launched in September and invited applications from local organisations who wished to develop or enhance a 'warm space' offer. To date grants have been given to 12 schemes and applicants have signed up to the Council's Warm Space

Principles. They are also included in the district-wide Warm Spaces directory which is maintained by officers and available on the website.

3.3 As well as Warm Spaces, the grant programme sought applications from projects and groups focussed on food resilience, advice provision (including debt & welfare), tackling digital exclusion and green energy. Aside from Warm Spaces and support for food banks, a total of £50,000 has been awarded to local initiatives including community supermarkets, cookery classes, day centres, addressing digital exclusion and debt and welfare advice. This marked an initial round of funding, with the potential of running a second-round dependent on uptake and provision after Christmas.

3.4 As set out in July's Cabinet paper, the Council will develop a strategic action-plan focussed on tackling fuel and food poverty in the district. This is underway and sets out timely and achievable steps the Council will take in collaboration with voluntary and statutory partners, to address cost of living challenges in the longer term.

4 Consultation

4.1 This area of work has included much engagement with our partners in the voluntary and statutory sectors. This will continue as we move through the winter months and continue to collaborate in order to best support residents.

5 Corporate plan and council policies

5.1 Much of the contents of this report places an emphasis on sustainability and will complement the Sustainability Policy. In addition to this the Council's corporate plan places a central focus on helping the most vulnerable in our district, and the measures outlined support this priority.

6 Financial appraisal

6.1 The Cabinet previously agreed to establish a Cost of Living Crisis Fund, with £250,000 being allocated to supporting the local voluntary sector as it responds to need through the winter, along with a dedicated officer to administer the fund and coordinate a strategic, longer term piece of work to support residents with the cost of living. All of the initiatives and services referred to in this report will be undertaken within the set aside approved resource.

7 Legal implications

7.1 This report is for noting only and does not directly give rise to any legal issues. Legal advice can be provided in relation to any of the measures outlined above as and when required.

Legal input dated 08.11.22

Legal ref: 011555-LDC-OD

8 Equality analysis

- 8.1 The cost of living crisis is likely to impact many household budgets, with utilities, food products and fuel increasing in price. Working-age people on low-incomes or squeezed budgets are likely to be impacted more as the year progresses, and older people particularly by increased heating costs in autumn and winter. Residents in rural locations who rely on oil to heat their homes will be subject to increased oil costs. People reliant on cars, including those in rural locations, could be impacted by increased running costs. Food items have already seen some price increases, and those with children may see an increase in their weekly food cost.

9 Environmental sustainability implications

- 9.1 Although the primary consideration of this report is the alleviation of hardship, where residents are in a position to reduce their fuel costs through energy efficiency measures in their home, the current pressures on fuel costs may have the incidental benefit of reducing use of fossil fuels which contribute to global warming. The strategic action plan will include measures to improve food resilience therefore may bear some improvement around food waste and local produce.

10 Contribution to Community Wealth Building

- 10.1 By taking a collaborative approach to supporting local people, through giving grants to local voluntary and community organisation, the council is promoting the community wealth building principle of plural ownership.

11 Appendices

- 11.1 None

12 Background Papers

- 12.1 None

Agenda Item 9

Report to:	Cabinet
Date:	8 December 2022
Title:	Portfolio progress and performance report 2022/23 - Quarter 2
Report of:	Homira Javadi, Chief Finance Officer
Cabinet member:	Councillor Chris Collier, Cabinet member for performance and people
Ward(s):	All
Purpose of report:	To consider the council's progress and performance in respect of service areas for the Second Quarter of the year (July-September 2022) as shown in Appendix 1
Decision type:	Non-key
Officer recommendation(s):	To note progress and performance for Quarter 2 2022/23
Reasons for recommendations:	To enable Cabinet members to consider specific aspects of the council's progress and performance
Contact Officer(s):	Luke Dreeling: Performance Lead Tel: 07525 351757 or email: luke.dreeling@lewes-eastbourne.gov.uk

1 Introduction

- 1.1 The council has an annual cycle for the preparation, implementation and monitoring of its business plans and budgets. This cycle enables us regularly to review the council's work, and the targets it sets for performance, to ensure these continue to reflect customer needs and council aspirations.
- 1.2 It is important to monitor and assess progress and performance on a regular basis, to ensure the council continues to deliver priority outcomes and excellent services to its customers and communities.

2 Corporate Plan and council policies

- 2.1 This report sets out the council's performance in the First Quarter of 2022/23 against its aspirations as set out in the Corporate Plan 2020-24. As was agreed previously by Cabinet, the report also provides a summary of work to date relating to the Recovery and Stabilisation programme.

3 Recovery and Stabilisation

- 3.1 The council's Recovery and Reset/Stabilisation programme – the activity to address in a sustainable way the challenges of the new operational context, and to respond to the changing needs and demands of the district's residents – continues to explore new ways to use council assets to the benefit of communities, residents and businesses, and to provide services to customers.

Services are systematically being reshaped to meet the changed needs of the council and its customers, and opportunities to make the best use of technology to deliver efficiencies continue to be implemented. Since its launch on the council's website in March, ELLIS, a next generation chat bot has answered over 40,000 customer queries, 25% of which were answered out of hours. ELLIS was launched on a number of the council's phone lines in October – full performance statistics will be shared with Cabinet as part of the Quarter 3 report.

A project will shortly commence to design a new website for the council – this will enable an updated and refreshed offer for customers, making the best use of technology

4 Solution Sprints

- 4.1 The council employed Solution Sprints (SS) pre-pandemic to realise service improvements. In Quarter 1, initial ideas for SS were gathered, and scoping undertaken towards relaunching SS.

This Quarter, the Accelerating Change Steering Group approved the process and governance arrangements for a refreshed process for SS. This group will serve as the Board for SS activity, assisting with prioritising and resource allocation, as required. We have begun piloting SS methods and approaches and will continue this work into Quarter 3.

Sprint methods have so far been used to arrive at the soft launch of a new 'Contact Us' form on the council's website. This will assist in streamlining emails to service areas and free up Customer First colleagues, as it beds down, to prioritise those customers with the greatest need.

Next Quarter, we will be piloting SS methods within the scoping of the One Planning system project. We are finding that most of the areas identified for potential SS require a longer more in-depth focus and therefore SS methods are being integrated into associated projects, where capacity allows. Quarter 4 will involve reviewing SS approaches to date and, if appropriate, launching communications to pool wider ideas for continuous improvement activity from across the council

5 Financial appraisal

- 5.1 Project and performance monitoring and reporting arrangements are contained within existing estimates. Corporate performance information should also be considered alongside the council's financial update reports (also reported to

Cabinet each Quarter) as there is a clear link between performance and budgets/resources.

6 Legal implications

6.1 Comment from the Legal Services Team is not necessary for this routine monitoring report.

7 Risk management implications

7.1 It is important that corporate performance is monitored regularly otherwise there is a risk that reductions in service levels, or projects falling behind schedule, are not addressed in a timely way.

8 Equality analysis









8.1 The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant council reports or as part of programmed equality analysis.

9 Appendices











- Appendix 1 – Portfolio Progress and Performance Report (Quarter 2 2022/23)



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Lewes District Council Portfolio Progress and Performance Report Quarter 2 2022-2023 (July to September 2022)













Key			
	Performance that is at or above target Project is on track		Performance that is below target Projects that are not expected to be completed in time or within requirements
	Project has been completed, been discontinued or is on hold		Performance that is slightly below target but is within an acceptable tolerance Projects : where there are issues causing significant delay, changes to planned activities, scale, cost pressures or risks
	Direction of travel on performance indicator : improving performance		Direction of travel on performance indicator : declining performance
	Direction of travel on performance indicator : no change		Data with no performance target









Key Performance Indicators





KPI Description	Annual Target 2022/23	Q2 2021/22	Q1 2022/23	Q2 2022/23				Latest Note
		Value	Value	Value	Target	Status	Short Trend	
1.(Finance) Maximise amount of Council Tax collected during the year	97.80%	56.86%	29.45%	56.82%	57.80%			The collection rate was not achieved, falling slightly (0.98%) below target. The key areas impacting on collection during September has been the backlog of billing work that has accrued as a result of 6 vacancies that have arisen within the Income Maximisation and Welfare team since July. Steps are being taken to temporarily backfill these posts through offsite agency processing in the interim. Recruitment is continuing and 3 appointments have been made to posts so far. The cost of living crisis is continuing to impact and is expected to do so until at least the end of the financial year.
2.(Finance) Maximise amount of Business Rates collected during the year	98%	51.65%	37.56%	61.89%	54.64%			The collection rate has exceeded target by 7.25% and remains on track. The significant increase is mainly due to the award of Covid Additional Relief Fund in the 2021/22 financial year to eligible businesses resulting in overpayments on their accounts in most cases. The credits were subsequently transferred into the 2022/23 financial year on each account earlier this year putting most businesses ahead of their current instalment plans.
3.(Community and Customers) Average number of days to process new claims for housing/council tax benefit	17	21.5	23.5	19.7	17			Whilst performance for quarter 2 has not achieved the target, it is moving in a positive direction. The team have had to resource delivering the Household Support Grant to vulnerable residents. Performance so far in October is continuing this a positive direction of travel with the outturn so far running at roughly 15 days.
4.(Community and Customers) Average days to process change of circumstances (Housing/Council Tax Benefit)	6.0	7.2	23.2	17.8	6.0			The target for Q2 was not achieved, however an improvement has been made in comparison to Q1. We still had some rent changes from April that had not been actioned which has led to the high number of days. We should have caught up with all of these changes now and expect a better performance for Q3.
5.(Community and Customers) Increase the percentage of calls to the contact centre answered within 60 seconds	80%	22.11%	25.7%	23.09%	80%			Customer Contact experienced a challenging and demanding second quarter where like previous Quarters, we saw high levels of contact where unfortunately we were unable to meet our KPIs. Quarter 2 found us at 23.09% of all calls being answered within 60 Seconds – this was a 2.61% decrease from Quarter 1's 25.7%



KPI Description	Annual Target 2022/23	Q2 2021/22	Q1 2022/23	Q2 2022/23				Latest Note
		Value	Value	Value	Target	Status	Short Trend	
								<p>The average speed of answer was 10min 09sec in Q2 – this was a 152 second increase from Q1's 7min 37sec. Calls within October showed a great improvement on speed of answer, averaging roughly 3 minutes.</p> <p>Although there was a slight drop in the overall volume of calls received when compared to the previous Quarter, contact is of a more complex nature where Customer Advisors are spending longer on calls dealing with residents who are struggling financially due to the cost-of-living crisis. Advisors are having extensive conversations as they discuss complex accounts and cases, ensuring that all available information and resources are provided; this is for both resources found internally within the Authorities such as Energy Rebates and Household Support funds, as well as signposting to other 3rd part charities and organisations.</p> <p>In addition to this, and more than likely linked to the cost-of-living crisis, Council Tax and Business Rates recovery continues with high volumes of correspondence being sent out chasing missed or late payments. With residents struggling with the rise in the cost of living, recovery action is generating more contact and of a complex nature as households find themselves struggling to keep up with instalments.</p> <p>The following measures have been taken to mitigate the pressures mentioned: constant vacancies posted and open days to promote, Solution Sprint performed on number of emails received and the delivering of a 'Contact Us Form', ELLIS our AI/Chatbot via the website is averaging 5000 queries answered a month (25% of which are out of office hours), Staff purely focused on Revenue and Benefits calls which decreases the time taken to train new starters as they can deal with other queries and lastly a Housing Triage Team-working directly with housing needs calls</p>
6.(Housing) Decrease total number of households living in emergency (nightly paid) accommodation	Data Only	24	48	51	Data only			We are seeing an increased demand in the service, which is also a national trend, partly attributable to the cost-of-living crisis. We are implementing new ways of working; increasing prevention and developing our partnerships to work together on the homelessness agenda.

Other Performance Indicators

KPI Description	Annual Target 2022/23	Q2 2021/22	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Value	Quarterly Target	Status		Short Trend
7. Housing: Decrease average number of days to re-let Council homes (excluding temporary lets)	20	30.6	40.9	44.4	20			Void improvement plan now in place with a meeting structure to support improvements operationally and strategically across Homes First. Housing register review is on-going which will inform the plan along with new ways of working and a new Management Team in Housing Needs.
8. Housing: DFGs - Time taken from council receiving a fully complete application to the council approving the grant	14 days	4 days	3 days	7 days	14 days			Performance remains far exceeding target, continuing a positive trend from 2021/22.
9. Housing: Rent arrears of current tenants (expressed as a percentage of rent debit) (L)	3.5%	4.27%	3.72%	3.93%	3.5%			<p>Rent arrears are 0.43% below target. Arrears overall compared to the same period last year has reduced by £33,924.</p> <p>A new Rent Sense daily processing module will be trialled over the next 3 months which will make the collection process more efficient. The module will reduce the number of cases within the Rent Advisors 'patches' where the tenant has brought their arrears up to date which is estimated to be around 20% of the caseload. These cases are manually checked each month by the team.</p> <p>There are currently 3 vacancies in Rents team and we are in the process of recruitment.</p>
10. People and performance: Number of new sign-ups to the Councils' social media channels	650	206	280	252	162.5			The number of new followers of the council's social media profiles continues to grow, with Q2 2022-23 being considerably greater than the same period in the previous year.
11. People and performance: Number of people registering for our email service	3250	1382	996	885	812.5			PI continues to achieve target.
12. People and performance: Average days lost per FTE employee due to sickness (J)	8.0 days	2.42 days	1.62 days	1.67 days	2.0 days			This is the second quarter of reporting average days lost due to sickness for 2022/23. Sickness levels remain below target in Q2 where we recorded an average of just 1.67 days absence which is a minor increase from Q1 (1.62 days) but remains stable and well within target. Absences

KPI Description	Annual Target 2022/23	Q2 2021/22	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Value	Quarterly Target	Status		Short Trend
								<p>for Covid-19 (those staff reporting symptoms) for Q2 was 42 which is a slight increase of 2 from Q1.</p> <p>The figure of 1.67 days for Q2 means we remain on track to meet our annual target of 8 days per annum.</p> <p>If we remove LDC Waste Services, the Q2 figure reduces to 1.30 days and Waste Services on its own is 4.17 days which is an increase from Q1 of 3.37 days.</p> <p>HR Business Partners continue to support managers in managing any attendance issues that arise.</p>
13. Planning: % of appeals allowed against the authority's decision not to grant planning permission (2 year rolling government figures)	<10%	Major – 3.3% Minor – 1.4%	Major – 3.3% Minor – 0.9%	Major – 0% Minor – 0.8%	10%			<p>PI remains below the 10% National Performance Indicator.</p> <p>There were 933 minor applications determined this period of which 7 were overturned at appeal</p>
14. Planning: Exceed government targets for the % of major applications determined within 13 weeks - LDC	60%	50%	100%	60%	60%			On target for the National PI
15. Planning: Exceed government targets for the % of minor applications determined within 8 weeks- LDC	80%	71.52%	86.01%	77.95%	80%			Slightly below the National PI
16. Recycling & Waste: KG waste collected per household	Data Only	111.3	37.1	37.1	Data only			<p>Holding figure from Q2 until data from ESCC comes in. Q1 data updated.</p> <p>Q1 is slightly down compared to the previous year and attributed to overall waste dropping.</p> <p>April = 33.48Kgs May = 35.62Kgs</p>

KPI Description	Annual Target 2022/23	Q2 2021/22	Q1 2022/23	Q2 2022/23			Latest Note
		Value	Value	Value	Quarterly Target	Status	Short Trend
							June = 35.10kgs
17. Recycling & Waste: Percentage of household waste sent for reuse, recycling and composting	46%	41.57% (Q1 2021/22 Data for comparison as Q2 Data has not yet be ratified)	38.38%	38.38%	46%		 June = 35.10kgs Holding figure from Q2 until data from ESCC comes in. Q1 data updated. Q1 is slightly down compared to the previous year (41%). The fluctuations in recycling rates below, is due to the differences in the amount of Garden Waste collected in different months. April = 42.96% May = 43.63% June = 34.32% The recycling rate continues its travel in a positive direction. The year-on-year comparisons shows the overall trend continues to be positive although affected by seasonal and economic changes. June, July, Aug being unusually dry has seen a drop in garden waste collected and the cost-of-living crisis is influencing householder behaviour. History tells us that waste levels drop when the economy is struggling with residents having less disposal income to spend. The service continues to promote food waste collections through the regular Reduce Reuse Recycle bulletin as well as social media.
18. Recycling & Waste: Total number of reported fly-tipping incidents	180	58	68	89	45		 Reported incidents breakdown: July 29, Aug 28 and Sep 32. Hotspot wards: Newhaven South, Newhaven North and Peacehaven East. The trend for fly-tipping across the district continues to drop and more comparable to pre-

KPI Description	Annual Target 2022/23	Q2 2021/22	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Value	Quarterly Target	Status		Short Trend
								<p>covid rates although Q2 does see increase from Q1 (86). The most common waste items are those as a result of house or shed clearance, old furniture, carpets and the waste from small scale DIY works and predominantly tipped on land owned by the council with a volume of that which will fit into a transit van.</p> <p>Using the government's national database (Waste Data Flow) for Q2, LDC is placed third lowest for number of reported fly-tips out of a total of 44 collection authorities in the South East. Fareham BC has the lowest at 69 report, followed by Mid Sussex DC and Eastbourne BC being eight with 128 report. Highest number of fly tip reports include Hastings DC 37th and Canterbury being 44th.</p>
19. Sustainability: Air Quality: Number of times nitrogen dioxide levels exceed national air quality objectives (200 µg/m3 hourly mean ave.)	18	0	0	0	4.5			<p>We are currently in the process of updating our Air Quality Action Plan, during the process (Q3) we will propose a more accurate PI to represent air quality for Lewes District. The current PI is tracked on exceedances of an hourly standard with a maximum number of permitted exceedances (18) per annum measured only at one location in Lewes town currently (as opposed to the twenty four hour average per annum which is measured via our monitoring stations and our network of approximately 50 diffusion tubes across the district).</p>

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Report to:	Cabinet
Date:	8 December 2022
Title:	Finance update – Performance Quarter 2 2022/23
Report of:	Homira Javadi, Chief Finance Officer
Cabinet member:	Councillor Zoe Nicholson, Deputy Leader of Council, Cabinet Member for Finance and Assets
Wards:	All
Purpose of report:	To update members on the Council’s financial performance in Quarter 2 2022/23
Decision type:	Non-Key
Officer recommendations:	Cabinet is recommended to: (1) Note the General Fund, HRA and Collection Fund financial performance for the quarter ended September 2022. (2) Note the capital programme as set out in Appendix 2.
Reason for recommendations:	To enable Cabinet members to consider specific aspects of the Council’s financial performance.
Contact Officer:	Name: Homira Javadi Post title: Chief Finance Officer E-mail: homira.javadi@lewes-eastbourne.gov.uk Telephone number: 01323 415512

1 Introduction

- 1.1 It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.
- 1.2 A report on the financial performance following the end of each quarter is made to Cabinet to ensure that the financial health of the General Fund, Housing Revenue Account and Capital Programme activities are kept under continual review.
- 1.3 The budget approved by Council in February 2022 was balanced over the medium term and was set based on a number of key assumptions including pay and cost inflation. Inflation had been calculated for premises and transport

related costs including utilities, business rates and fuel based on latest market intelligence and CPI forecasts from Central Government. Whilst there were concerns about the rapidly rising levels of inflation, the advice at that time indicated a short term and sharp spike rise in inflation followed by a return to previously experienced levels by early spring.

The CPI has since nearly tripled which when coupled with the proportion of use and demand for consumables such as utilities, fuel, goods and services has created and continues to give rise to significant budgetary concerns.

UK CPI table

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2022	4.90%	5.50%	6.20%	7.80%	7.90%	8.20%	8.80%	8.60%	8.80%				
2021	0.70%	0.50%	0.70%	1.50%	2.10%	2.50%	2.00%	3.20%	3.00%	4.10%	5.10%	5.40%	<u>2.60%</u>
2020	1.80%	1.70%	1.50%	0.80%	0.60%	0.60%	1.10%	0.20%	0.60%	0.70%	0.40%	0.60%	<u>0.90%</u>

1.4 The Council operates Directorate cash limited budgets and Corporate Management Team/Directors are responsible for ensuring that appropriate action is taken to contain both revenue and capital spending in line with the directorate's overall budget limit. The challenges facing local residents as a result of the cost-of-living crisis are very real and very urgent. There has been a wave of authorities at every level that have revealed their budget plans are in pieces due to the huge spike in costs since April 2022 and authorities across the country are not immune to the national financial pressures while facing increasing demand and increasing cost pressures.

1.5 Various authorities are dealing with a very difficult set of circumstances currently and face a real challenge to balance the budget this year, while forecasting a significant overspend with the main causes being record inflation levels, soaring energy prices, pay deal for staff, etc. This is the reality for councils across the country at the moment and it has been widely reported that inflation, energy costs and other current challenges are predicted to lead to £2.4bn in extra cost pressures to councils this year alone, rising to £3.6bn in 2024-25 and over £7bn by 2025/26.

2 General Fund - Revenue

2.1 The projected outturn for 2022/23, as advised by budget holders as of 30 September 2022, is an overspend of £1,090,966, as shown in table 1 below:

Summary Table 1:

Table 1: Summary of projected out-turn as at Quarter 2	Budget 2022-23	Budget adjustments requested	Pending Revised Budget	Actual & Committed	Projected Outturn	Q2 Projected Variance at year end	Q1 Projected Variance at year end
	£	£	£	£	£	£	£
Corporate Services	4,919,850	99,000	5,018,850	7,145,296	5,138,983	120,133	1,350
Service Delivery	10,533,950	1,050	10,535,000	2,486,681	11,069,054	534,054	479,136
Regeneration and Planning	1,783,450	911,500	2,694,950	1,650,351	3,026,788	331,838	7,824
Tourism and Enterprise	508,950	(50)	508,900	261,338	475,550	(33,350)	(30,250)
Additional cost of payaward	0	0	0	0	500,000	500,000	0
Recharges to the Housing Revenue Account	(4,356,300)	0	(4,356,300)	0	(4,356,300)	0	0
Net Cost of Services	13,389,900	1,011,500	14,401,400	11,543,665	15,854,075	1,452,675	458,060
			0				
Other Operating Income & Expenditure	350,000	0	350,000	0	0	(350,000)	(350,000)
Capital Financing	550,000	0	550,000	(30,247)	550,000	0	0
Transfer to reserves	841,000	0	841,000	0	841,000	0	0
Proposed transfer (from) reserves	0	(1,011,500)	(1,011,500)	0	(1,011,500)	0	0
Net Budget	15,130,900	0	15,130,900	11,513,418	16,233,575	1,102,675	108,060
Financing	(15,130,900)	0	(15,130,900)	1,489,615	(15,142,609)	(11,709)	0
	0	0	0		1,090,966	1,090,966	108,060

- 2.2 Some of the provisions from 2021/22 were carried forward due to reprofiling and alignment of budget. Where applicable these have been incorporated into relevant budgets. These are for noting at this point and will be formerly updated as part of the mid-year revision and budget setting process.
- 2.3 The residual projected overspend of £1,091k is due to the anticipated impact of price inflation for energy costs and goods and services. The additional cost of the April 2022 pay award agreed recently is estimated at £500k.
- 2.4 At the time of preparing this report, more detailed work on business rates shared benefits and retention value was taking place. Any further adjustments required as a result of this work will be reflected in the revised budget and quarter 3 monitoring report.
- 2.5 Inflation is currently (September 2022) at over 10% and the Bank of England recently increased base rates by 0.75% from 2.25% to 3%, the highest increase since 1989, impacting the cost of borrowing and mortgage interest rates.
- 2.6 The impact on consumer spending power, and bad debts is uncertain, however due to careful planning in 2021/22 we have been able to mitigate against this impact of inflation.
- 2.7 We afforded and set aside reserves as at 2021/22-year end to provide resilience and as a result we have been able to bring into position £1,011.5k of one-off funds to support the 2022/23 position, this could be offset by the plan to transfer to reserves £841k and further consideration will be proposed at the mid-year revision and budget setting. Regeneration will have the support of S31 grants and reserves set aside to fund activity in this year.
- 2.8 The budget includes savings targets of £1.2m, which have been incorporated to the relevant services' budgets.

2.9 Key variances are set out in the following tables:

2.10 Corporate Services

Corporate Services	Budget 2022-23	Budget adjustments requested	Pending Revised Budget	Actual & Committed	Projected Outturn	Q2 Projected Variance at year end	Q1 Projected Variance at year end
	£	£	£	£	£	£	£
Corporate Management	460,250	0	460,250	4,480,368	426,979	(33,271)	(800)
Emergency Planning	40,850	0	40,850	114	40,850	0	2,000
Financial Services Team	838,650	0	838,650	437,619	979,604	140,954	0
Internal Audit and Corporate Fraud	243,400	0	243,400	164,842	250,600	7,200	0
Corporate Finance	42,000	0	42,000	19,740	49,000	7,000	0
Corporate Finance - Pension Costs	70,400	0	70,400	27,366	65,700	(4,700)	0
Human Resources	343,950	0	343,950	112,827	345,900	1,950	0
Information Technology	1,760,150	0	1,760,150	908,746	1,760,150	0	150
Local Land Charges	(74,850)	0	(74,850)	(60,274)	(74,850)	0	0
Legal Services	397,900	0	397,900	539,317	397,900	0	0
Democratic Services	797,150	(1,000)	796,150	423,863	797,150	1,000	0
Recovery and Stabilisation	0	100,000	100,000	90,768	100,000	0	0
Corporate Services	4,919,850	99,000	5,018,850	7,145,296	5,138,983	120,133	1,350

This pressure relates to consultancy fees for Link Treasury Services and staffing £141k and business transformation £100k pressure which is funded from I.T. carry forward reserve.

2.11 Service Delivery

Service Delivery	Budget 2022-23	Budget adjustments requested	Pending Revised Budget	Actual & Committed	Projected Outturn	Q2 Projected Variance at year end	Q1 Projected Variance at year end
	£	£	£	£	£	£	£
Customer First	200,100	0	200,100	100,050	284,959	84,859	55,165
Homes First	51,850	0	51,850	0	51,850	0	0
Specialist Advisors	397,700	(10,700)	387,000	257,670	761,128	374,128	182,853
Specialist Advisors	870,150	0	870,150	321,846	899,009	28,859	5,057
Specialist Advisors - Building Control	57,600	0	57,600	30,823	70,161	12,561	34,478
Specialist Advisors	20,000	0	20,000	0	20,000	0	0
Account Management	1,109,600	0	1,109,600	480,885	941,558	(168,042)	(14,437)
Case Management	(23,850)	0	(23,850)	0	(23,725)	125	150
Neighbourhood First	765,450	0	765,450	374,856	776,450	11,000	1,000
Customer Contact	943,450	0	943,450	432,394	849,967	(93,483)	(18,159)
Waste & Recycling	3,766,000	(3,700)	3,762,300	381,757	3,827,344	65,044	86,004
Homes First - Housing Property Services	786,150	0	786,150	0	786,150	0	0
Homes First - Neighbourhood Management	887,750	0	887,750	(35,726)	887,750	0	0
Homes First - Customer Experience	165,850	0	165,850	(10,677)	165,850	0	0
Homes First - Housing Needs & Standards	161,000	0	161,000	0	161,000	0	0
Homes First - Housing Needs and Standards	375,150	15,450	390,600	152,802	610,653	220,053	147,025
Service Delivery	10,533,950	1,050	10,535,000	2,486,681	11,070,104	535,104	479,136

The main variances include:

Customer First, £85k due to staff cost pressures.

Specialist Advisors £374k. The majority, £437k, is due to rising volumes in the number of Homeless placements (Statutory & Rough Sleeper) and the impact on housing benefit payments. This is offset in part (£190k) by an increase in the subsidy receivable on Private Tenant housing benefit. There has been a pressure of £45k due to the loss of preceptor contributions and £65k staffing costs.

Account Management / Income Maximisation and Welfare – saving of £168k staffing costs due to recruitment and retention issues.

Customer Contact Centre - saving of £93k staffing costs due to recruitment and retention issues.

Waste and Recycling £65k due to vehicle hire.

Housing Needs & Standards £220k pressure due to £83k of staff agency costs, £55k due to increased costs of accommodating the homeless in peak season and £82k for increased volumes of rough sleepers.

2.12 Regeneration and Planning

Regeneration and Planning	Budget 2022-23 £	Budget adjustments requested £	Pending Revised Budget £	Actual & Committed £	Projected Outturn £	Q2 Projected Variance at year end £	Q1 Projected Variance at year end £
Estates & Property	(125,500)	300,000	174,500	(14,156)	442,083	267,583	94,150
Solar Panel Trading Account	(74,200)	0	(74,200)	40,307	(74,200)	0	0
Planning	531,300	454,000	985,300	688,657	1,193,853	208,553	116,473
Regeneration	529,700	157,500	687,200	336,560	475,360	(211,840)	(202,799)
North Street Properties	128,400	0	128,400	123,392	123,392	(5,008)	0
Business Planning & Performance	793,750	0	793,750	475,591	866,300	72,550	0
Regeneration and Planning	1,783,450	911,500	2,694,950	1,650,351	3,026,788	331,838	7,824

This service is anticipating a lot of pressures and the projected out-turn includes reserve movements of £911.5k to support it, the main variances are as follows:

Estates and Property £267k, this includes a provision of £300k carried forward reserves for the marine workshop subject to final arrangements and review, reduced car parking income £100k and £50k pressure on parks and cemeteries.

Planning £208k. The local plan is being developed and is funded in full by reserves of £255k, In addition, there is emergency work to Lewes Castle wall creating an immediate requirement for £130k which is currently funded from reserves in order to fund this essential work. £270k projected cost of defending planning appeals will be partially funded from reserves of £91k.

Regeneration underspend of £211k, this is net of £157.5k anticipated to be funded from reserves carried forward from last year. The £211k positive

variance is an underspend on salaries and will need to be reviewed as part of revised budget and budget setting.

Business Planning and Performance £72k pressure due to Ouse Valley solar farm feasibility costs.

2.13 Tourism and Culture

Tourism and Enterprise	Budget 2022-23 £	Budget adjustments requested £	Pending Revised Budget £	Actual & Committed £	Projected Outturn £	Q2 Projected Variance at year end £	Q1 Projected Variance at year end £
Arts Development	5,900	0	5,900	11,020	3,750	(2,150)	(2,200)
Tourism	279,500	0	279,500	72,961	278,750	(750)	3,500
Leisure Centres and Swimming Pools	121,200	0	121,200	75,727	91,000	(30,200)	(31,200)
Newhaven Fort	102,350	(50)	102,300	101,629	102,000	(300)	(350)
Tourism and Enterprise	508,950	(50)	508,900	261,338	475,500	(33,400)	(30,250)

The positive balance is an anticipated additional income from the solar panels at the swimming pools.

2.14 Other Operating Income and Capital Financing and Reserve movements positive variance of £350,000.

Other Operating Income and Capital Financing & Reserve movements	Budget 2022-23 £	Budget adjustments requested £	Pending Revised Budget £	Actual & Committed £	Projected Outturn £	Q2 Projected Variance at year end £	Q1 Projected Variance at year end £
Contingencies	350,000	0	350,000	0	0	(350,000)	(350,000)
Capital Financing and Interest	550,000	0	550,000	(30,247)	550,000	0	0
Contributions to reserves Earmarked	841,000	0	841,000	0	841,000	0	0
Note contribution from reserves	0	(761,500)	(761,500)	0	(761,500)	0	0

There are no specific calls on the contingency budget which has been shown as contributing towards the bottom line.

3 Housing Revenue Account (HRA)

3.1 The HRA performance for the quarter is as follows:

HRA Summary Quarter 2	Original Budget £000's	Projected Outturn £000's	Variance £000's
Income	(17,752)	(17,660)	92
Expenditure	16,047	15,866	(181)
Capital Financing	2,031	2,051	20
Total	326	257	(69)

A further breakdown is shown at **Appendix 1**.

- 3.2 The position at the end of September shows an overall favourable variance of £69k.
- 3.3 The £92k pressure against income is due to the reduction of income from garages as sites are held vacant with a view for redevelopment. The net underspend on expenditure of £181k results from a change in depreciation charges offsetting an overspend within Repairs and maintenance.
- 3.4 A full review of the 30-year Business Plan is underway and will provide a more comprehensive assessment of the overall position for the current and future years. This will be reported to Members as part of the budget setting process for 2023/24.

4 Capital Expenditure

4.1 Capital Expenditure – General Fund

- 4.2 The capital programme provides an analysis of spend for quarter 2 (Q2) compared to the updated Q2 budget for 2022/23 and the total spend for each scheme as at 30 September 2022. The current Q2 expenditure totals £4.2m against the latest programme of £27.3m, which has been updated to take into account ongoing projects that were due to be completed in 2023/24 and the programmes have been reprofiled accordingly. Detailed are provided for each scheme within the attached **Appendix 2**.

NON-HOUSING CAPITAL PROGRAMME	Original Programme 2022/23	Updated 2022/23 Programme	Q2 Actual Spend 2022-23	Q2 Variance
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	
Recovery and Stabilisation	430	1,052	-	1,052
Regeneration	16,660	13,919	3,336	10,583
Asset Management	1,920	2,251	157	2,094
Indoor Leisure Facilities	721	1,183	66	1,117
Energy Schemes	2,000	2,062	38	2,024
Community Inf. Levy (CIL)	900	1,020	7	1,013
Service Delivery	227	964	547	417
Specialist Projects	136	193	-	193
Coastal Defence Works	160	554	-	554
Parks, Pavilions, Open Space- Biodiversity	3,082	3,362	-	3,362
IT Block Allocation	150	404	23	380
Finance Transformation	150	329	-	329
GENERAL FUND	26,536	27,293	4,174	23,118

- 4.3 As per the previous quarter, Members are reminded that the construction sector is under pressure from rising prices for materials and labour shortages. It should be noted that the year-end forecasts have been provided against a backdrop of economic uncertainty, regarding supply chain challenges, building cost inflation and other factors outside of the control of those delivering the projects.

Consequently, whilst based on best known information at Quarter 2, there are likely to be changes to forecasts in the next Capital Programme monitoring report.

4.4 At the end of Quarter 2 the spend against 2022/23 programme was very low and it is too soon to accurately forecast what level of slippage we might anticipate into future years, but it is unlikely that all aspects of the programme will be deliverable this year. This will be kept under continuous review by the Capital Programme Overview Board (CPOB), in the light of the whole capital programme currently being reviewed following Q2 outcome.

4.5 **Capital Expenditure – HRA**

4.6 The detailed HRA capital programme at Appendix 2, provides a summary of spend for quarter 2 compared to the updated programme for 2022/23. The revised budget for the Housing Capital Programme for the year is £14.6m, with expenditure and commitments at the end of Q2 £1.9m. The Capital Programme summary are shown within the table below.

Summary	Original Prog. 2022/23	Updated 2022/23 Prog.	Q2 Actual Spend 2022-23	Q2 Variance
HRA HOUSING	£'000	£'000	£'000	£'000
Housing Investment	12,901	11,597	1,805	9,792
General Fund Housing	1,487	1,659	107	1,552
Housing Companies Loans	1,000	1,419	-	1,419
TOTAL HOUSING	15,388	14,675	1,912	12,763

4.7 Project team leaders will, as with every year, has been encouraged to review scheme progress on an ongoing basis throughout the year and advise where there are significant revisions. Based on this information reprofiling will be undertaken where necessary to reflect these changes within the HRA Capital Programme.

4.8 At the end of Quarter 2 the spend against 2022/23 programme was very low and it is too soon to accurately forecast what level of slippage we might anticipate into future years, but it is unlikely that all aspects of the programme will be deliverable this year. This will be kept under continuous review by the Capital Programme Overview Board (CPOB), in the light of the whole capital programme currently being reviewed following Q2 outcome.

5 **Collection Fund**

5.1 The Collection Fund records all the income from Council Tax and Business Rates and its allocation to precepting authorities. The Collection fund for the year is as follows:

	Council Tax £'000	Business Rates £'000
Actual Balance 1 April 2022 - (Surplus) / Deficit		
(Recovery) / Distribution of Prior Year Deficit or Surplus	(3,692)	6,357
Total Collectable Income for year*	2,950	(3,659)
Payments to Preceptors	(86,953)	(24,841)
Write offs, provisions for bad debts and appeals	83,789	24,270
	958	676
Estimated Balance 31 March 2023 – (Surplus) / Deficit	(2,948)	2,803
Allocated to:		
Central Government	-	1,402
East Sussex County Council	(2,085)	252
Lewes District Council	(444)	1,121
Sussex Police & Crime Commissioner	(291)	-
East Sussex Fire Authority	(128)	28
Total	(2,948)	2,803

* This represents the latest total amount of income due for the year and allows for changes as a result of discounts, exemptions and reliefs, as well as changes in the Council Tax base and Business Rate yield.

- 5.2 The allocation to preceptors reflects the operation of the Collection Fund for Council Tax and Business Rates which are distributed on different bases under regulations. The distributions have now been finalised for 2022/23 in line with the above allocations.
- 5.3 Council Tax has a forecast surplus for the year of £2.948m as at Q2 September (£3.583m Q1 June). The Council's share of the estimated surplus is £444k (£540k Q1). With the cost-of-living crisis and the country facing a longer recession, bad debt provisions are currently under review and will be updated at Q3.
- 5.4 Business Rates has a forecast deficit for the year of £2.803m as at Q2 September (£2.304m Q1 June). The Council's share of the estimated deficit is £1.121m (£922k Q1). Section 31 grant received from central government, as compensation for additional reliefs provided, can be used to offset the deficit position.
- 5.5 The estimated year end positions for Council Tax and Business Rates, used for budget setting purposes, will be formalised and agreed in January 2023.

6 Financial appraisal

- 6.1 As set out in the report.

7 Legal implications

7.1 None associated with the report.

8 Risk management implications

8.1 Continued monitoring of the Council's financial position is essential to ensure it remains within budget and can take necessary action if and when required.

9 Equality analysis

9.1 This Finance update is a routine report for which detailed Equality Analysis is not required to be undertaken. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports.

10 Environmental sustainability implications

10.1 None associated with the report.

11 Appendices

- Appendix 1 – Housing Revenue Account
- Appendix 2 – Capital Programme

12 Background papers

None.

Housing Revenue Account 2022/23

	Original Budget £000's	Projected Outturn £000's	Variance £000's
INCOME			
Dwelling Rents	(15,798)	(15,812)	(14)
Non-Dwelling Rents	(484)	(362)	122
Charges for Services and Facilities	(1,276)	(1,292)	(16)
Contributions towards Expenditure	(194)	(194)	0
GROSS INCOME	(17,752)	(17,660)	92
EXPENDITURE			
Repairs and Maintenance	4,834	5,614	780
Supervision and Management	3,530	3,547	17
Special Services	1,454	1,453	(1)
Rents, Rates, Taxes and Other Charges	280	220	(60)
Increase in Impairment of Debtors	148	148	0
Depreciation of Fixed Assets	5,450	4,533	(917)
Amortisation of Intangible Assets	3	3	0
Debt Management Costs	52	52	0
GROSS EXPENDITURE	15,751	15,570	(181)
NET COST OF HRA SERVICES	(2,001)	(2,090)	(89)
HRA share of Corporate and Democratic Core	296	296	0
NET OPERATING COST OF HRA	(1,705)	(1,794)	(89)
Capital Financing and Interest Charges			
Interest Payable	2,043	2,221	178
Interest Receivable	(12)	(170)	(158)
Revenue Contributions to Capital Expenditure	0	0	0
Total Capital Financing and Interest Charges	2,031	2,051	20
Transfer to (from) Reserves	0	0	0
HRA (SURPLUS) / DEFICIT	326	257	(69)

HOUSING REVENUE ACCOUNT WORKING BALANCE	Original Budget	Projected Outturn
Working Balance at 1 April	(4,406)	(4,406)
(Surplus) or Deficit for the year	326	257
Working Balance at 31 March	(4,080)	(4,149)

Allocation of Working Balance:		
- General Working Balance	(3,385)	(3,454)
- Special Projects	(270)	(270)
Cost of Living Provision	(150)	(150)
- Self Insurance	(275)	(275)
Working Balance at 31 March	(4,080)	(4,149)

Summary	Original Programme 2022/23 £	Updated 2022/23 Programme £	Budget to be carried forward to 2023-24 £	Q2 Actual Spend 2022-23 £	Q2 Variance £
HRA HOUSING INVESTMENT CAPITAL PROGRAMME					
Construction of New Dwellings					
- New Acquisitions & New Build	0	3,309,889		1,260	3,308,629
- Saxonbury Redevelopment	100,000	0		0	0
- Newhaven Police Station Redevelopment	3,900,000	1,800,000	2,100,000	631,098	1,168,902
- Newhaven Fire Station Redevelopment	900,000	750,000	150,000	3,401	746,599
- Long Park Corner	0	0		0	0
-The Lynchetts, Lewes	500,000	6,000	494,000	5,552	448
- Oakfield House, Plumton Green	20,000	20,000		4,754	15,246
- Mill Road, Ringmer	520,000	180,000	340,000	0	180,000
- Ringmer Infills, Broyle Close	950,000	0	950,000	397	-397
- Ringmer Infills, Kiln Road	950,000	-950,000		398	-950,398
-Rusbridge Cottage, Lewes	500,000		500,000	399	-399
-2-6 Fort Road, Newhaven	700,000	0	700,000	0	0
-Self Build Pilot Programme (Buckwell Court & Walde)	150,000	0	150,000	0	0
-Sustainability Initiative Pilot Scheme	146,000	296,000		0	296,000
Total Construction of New Dwellings	9,336,000	5,411,889	5,384,000	647,258	4,764,631
Improvements to Stock	3,100,000	0		0	0
- Fire Precaution Works	0	332,000		0	332,000
- Heating Improvement Programme	0	950,000		439,124	510,876
- Kitchen & Bathroom Renewals	0	775,000		88,022	686,978
- Roofing & Chimney Works	0	415,000		69,558	345,442
- Structural Works	0	1,445,000		170,213	1,274,787
- Window & Door Replacement Programme	0	796,500		0	796,500
- Electrical T & R	0	750,000		111,292	638,708
-Warden Call Systems Upgrade	0	36,500		0	36,500
Total Improvement to Stock	3,100,000	5,500,000	0	878,208	4,621,792
Adaptations for Disabled Tenants	415,000	586,628		279,512	307,116
Housing Estates Recreation and Play Areas	50,000	98,515		0	98,515
TOTAL HRA HOUSING INVESTMENT CAPITAL PROGRAMME	12,901,000	11,597,032	5,384,000	1,804,978	9,792,054
GF HOUSING INVESTMENT CAPITAL PROGRAMME					
General Fund Housing Grant Funded					
Mandatory Disabled Facilities Grants	1,352,000	1,405,920		102,020	1,303,900
Private Sector Housing Grants	135,000	253,318		4,962	248,356
- Emergency Repair Grants	0	0		0	0
Total General Fund Housing Grant Funded	1,487,000	1,659,238	0	106,982	1,552,256
Loans to Housing Companies					
- Aspiration Homes LLP (Loan for Delivery of Mixed Tenure)	1,000,000	1,419,055		0	1,419,055
Total Loans to Housing Companies	1,000,000	1,419,055	0	0	1,419,055
TOTAL GF HOUSING INVESTMENT CAPITAL PROGRAMME	2,487,000	3,078,293	0	106,982	2,971,311
TOTAL HOUSING	15,388,000	14,675,325	5,384,000	1,911,960	12,763,365
GF NON HOUSING CAPITAL PROGRAMME					
Recovery and Stabilisation					
Recovery and Reset Programme	430,000	1,051,736		0	1,051,736
Total Recovery and Stabilisation	430,000	1,051,736	0	0	1,051,736
Regeneration					
Commercial Property Acquisition & Development	2,000,000	2,000,000		0	2,000,000
NSQ - North Street Quarter	300,000	228,386		6,466	221,920
NSQ - Springman House	100,000	100,000		0	100,000
Asset Development Newhaven (November 2017) (September 2018)	0	0	652,932	0	0
Newhaven Square Co-Op - Demolition	0	0		7,596	-7,596
Newhaven High Street- Newhaven Re-imagining	4,165,870	3,617,814	3,175,157	651,463	2,966,351
Construction of Avis Way Depot, Newhaven (July 2018)	1,300,000	0	1,332,680	0	0
The Sidings, Railway Quay, Newhaven	0	68,252		28,884	39,368
- UTC (Newhaven)	1,534,090	2,258,440		687,839	1,570,601
Caburn House, Lewes Refurbishment	170,000	260,376		332,150	-71,774
The Friars Redevelopment, Lewes	1,000,000	0	1,000,000	0	0
Re-connecting our Town: Pedestrian Gateway	3,906,510	94,517		94,517	0
Re-connecting our Town: Wayfinding & Visitor Trails	0	61,936		18,300	43,636
Building our Economic Strength: Social Enterprise Incubator	0	446,223		0	446,223
Building our Economic Strength: Business Grants Programme	0	10,000	190,000	0	10,000

Re-imagining our Town Centre: Community & Creative H	0	241,425		0	241,425
An Active Community: Eastside Recreation Ground	0	273,700		0	273,700
An Active Community: Fort Road Recreation Ground	0	0		19,537	-19,537
An Active Community: Newhaven Football Club	0	786,800		725,110	61,690
An Active Community: Denton Island Slipway	0	115,500		0	115,500
Destination Newhaven: Newhaven Port	0	876,150		92,000	784,150
Maintaining Maritime Vitality: Marine Gateway	0	905,000		0	905,000
Newhaven Fishing Landing Stages:	2,183,480	344,153	1,839,327	0	344,153
Unit 7 Oak Estate – Newhaven Processing Facility	0	1,044,323		672,100	372,223
Newhaven West Beach Restaurant	0	186,000		0	186,000
Total Regeneration	16,659,950	13,918,995	8,190,096	3,335,962	10,583,032
Asset Management					
Asset Management Block Allocation	100,000	100,000		2,963	97,038
Lewes (Stanley Turner Recreation Ground Improvements)	0	5,980		3,549	2,431
Stanley Turner Changing Room_Club House	100,000	250,000	100,000	0	250,000
Car Parks - (Capital Maintenance Programme)	50,000	5,000	52,500	4,710	290
Chapel Street Car Park	50,000	50,000		0	50,000
Cliff Tops @ Peacehaven (June 2017)	0	42,000		0	42,000
Market Tower/Square	150,000	150,000	50,000	0	150,000
Flint Walls Repairs (November 2015)	30,000	31,939		21,455	10,484
Robinson Road Depot - Priority Works (July 2018)	800,000	850,000		0	850,000
Newhaven Fort Bridge (September 2019)	10,000	37,000		36,291	709
Newhaven Fort Refurbishment	50,000	50,000		1,705	48,295
187/2 Fisher Street	150,000	150,000		0	150,000
School Hill House	150,000	150,000		0	150,000
Newhaven Square - Unit	80,000	80,000		0	80,000
Newhaven Square - roof works	100,000	100,000		0	100,000
Public Conveniences	100,000	199,150		86,367	112,783
Total Asset Management	1,920,000	2,251,069	202,500	157,039	2,094,030
Indoor Leisure Facilities					
Indoor Leisure Facilities - Major Repairs and Improvements	721,000	1,182,522		65,635	1,116,887
Total Indoor Leisure Facilities	721,000	1,182,522	0	65,635	1,116,887
Energy Schemes					
Local Energy Schemes	2,000,000	2,000,000		0	2,000,000
OVESCO- Ouse Valley Solar Farm	0	62,000		38,000	24,000
Total Energy Schemes	2,000,000	2,062,000	0	38,000	2,024,000
Community Infrastructure					
Total Community Infrastructure Levy (CIL)	900,000	1,020,000		7,389	1,012,611
Total Community Infrastructure Levy (CIL)	900,000	1,020,000	0	7,389	1,012,611
Service Delivery					
Vehicle & Plant Replacement Programme	227,000	122,715		0	122,715
Waste & Recycling Review	0	720,000		478,000	242,000
- Vehicle Refurbishment W&R Review	0			0	0
- Other Equipment	0	113,360		61,522	51,838
- MOT Test Equipment (Roller Brake Tester and Head)	0	7,485		7,485	0
Total Service Delivery	227,000	963,560	0	547,007	416,553
Specialist Projects					
Flood Alleviation Project	136,000	193,225		0	193,225
Total Specialist Projects	136,000	193,225	0	0	193,225
Coastal Defence Works					
Coastal Defence Works	100,000	494,280		0	494,280
Newhaven / Peacehaven Coastal Park	60,000	60,000		0	60,000
Total Coastal Defence Works	160,000	554,280	0	0	554,280
Parks, Pavilions, Open Space- Biodiversity					
Parks, Pavilions etc - Remedial works	602,300	602,300		0	602,300
Cockshut Stream (Stanley Turner Diversion)	40,000	300,000		0	300,000
New Crematorium & Green Burial Facility (Biodiversity)	2,000,000	2,020,000		0	2,020,000
Play Areas Full Refurbishment	360,000	360,000		0	360,000
Bell Lane Rain Garden	10,000	10,000		0	10,000
Funds for local groups for Biodiversity Projects	7,500	7,500		0	7,500
Wildlife Planting / Habitat creation in parks	30,000	30,000		0	30,000
Land for Biodiversity	20,000	20,000		0	20,000
Creation of wildflower seed areas	7,500	7,500		0	7,500
Tree Planting	5,000	5,000		0	5,000
Total Parks, Pavilions, Open Space- Biodiversity	3,082,300	3,362,300	0	0	3,362,300
IT Block Allocation	150,000	403,615		23,339	380,276
Finance Transformation (Feb 2019)	150,000	329,310		0	329,310
Total General Fund Non-Housing Capital Prog.	26,536,250	27,292,612	8,392,596	4,174,372	23,118,240
		0			0
Total Overall Capital Programme	41,924,250	41,967,937	13,776,596	6,086,332	35,881,605

Report to:	Cabinet
Date:	8 December 2022
Title:	Local Council Tax Reduction Scheme 2023/24
Report of:	Tim Whelan, Director of Service Delivery
Cabinet member:	Councillor Zoe Nicholson, Deputy Leader of the Council, Cabinet member for Finance and Assets
Ward(s):	All
Purpose of report:	To gain Cabinet's recommendation to Full Council that the 2022/23 Local Council Tax Reduction Scheme is adopted as the 2023/24 scheme.
Decision type:	Budget and policy framework
Officer recommendation(s):	(1) Cabinet recommend to Full Council that the 2022/23 Local Council Tax Reduction Scheme is adopted as the 2023/24 scheme. (2) Subject to Full Council adoption of the Scheme, Cabinet grants the Director of Service Delivery delegated authority– (a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and (b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Assets and Finance (3) That the Exceptional Hardship Scheme continues in 2023/24 subject to funds being available.
Reasons for recommendations:	The Council must review the scheme each year and adopt a scheme for the coming financial year.
Contact Officer(s):	Name: Bill McCafferty Post title: Lead for Income Maximisation and Welfare E-mail: bill.mccafferty@lewes-eastbourne.gov.uk Telephone number: (01323) 415171

1 Introduction

- 1.1 The government abolished the national Council Tax Benefit scheme from April 2013 and required local authorities to develop and adopt their own scheme of support for working age claimants. This change came with a 10% cut in funding.
- 1.2 To protect pensioners from any reduction in support, the government put in place a national scheme that local authorities had to adopt. Therefore, any reduction in support had to come from those of working age.
- 1.3 The Council, on 21 February 2022, adopted a revised Local Council Tax Reduction Scheme (LCTR) of support for those of working age for 2022/23 which increased the maximum award to 100% of a person's council tax liability, removed the Minimum-Income Floor rules for the self-employed and removed the £5.00 minimum award.

2 Local Council Tax Reduction Scheme 2023/24

- 2.1 The scheme provides financial support to c3,500 of the most disadvantaged working-age residents with help in meeting their council tax liabilities. The changes the Council made to the scheme for 2022/23 means that approximately 2,000 residents do not have to pay any council tax.
- 2.2 The current cost of the scheme, in terms of a reduction in Tax base, is c£8.3m and is shared by the Council, East Sussex County Council, Sussex Police, East Sussex Fire & Rescue and Town and Parish Councils in relation to their share of Council Tax.

	% share of Council Tax	Cost
East Sussex County Council	70.67%	£5,865,610
Lewes District Council	9.93%	£824,190
Town and Parish Councils	5.40%	£448,200
Sussex Police	9.47%	£786,010
East Sussex Fire and Rescue	4.53%	£375,990

- 2.3 Over the last two years the government has introduced various schemes of financial support. Firstly, in response to Covid-19 and more recently to address the Cost-of-Living Crisis. It would be prudent for Cabinet to grant delegated authority to the Director of Service Delivery to make in-year changes to the scheme, subject to consultation with the Cabinet member for Assets and Finance. This is to ensure that any future financial support the government puts in place does not reduce the amount of Council Tax Reduction a resident can receive.

Should such a change prove necessary, the Council would inform all major preceptors.

3 Exceptional Hardship Scheme

- 3.1 The Exceptional Hardship Payment (EHP) Scheme, funded by the Council and major preceptors, is intended to provide additional financial support to those in receipt of a Council Tax Reduction and are experiencing exceptional hardship.

The EHP scheme was established in April 2016 when the LCTR scheme was amended to:

- a) Limit the maximum CTR to 80% of a person's liability
- b) Apply a minimum-income floor to certain self-employed claimants
- c) Introduce a £5.00 per week minimum award below which a claimant would not receive a reduction

There was £4,955.42 remaining in the fund as of 30 September 2022. The Council may decide to add to this fund.

4 Proposal

- 4.1 That the Local Council Tax Reduction scheme 2022/23 is adopted as the scheme for 2023/24. A draft of the proposed scheme is at Appendix 1.
- 4.2 That the Exceptional Hardship Scheme continues, subject to funds being available, into 2023/24.

5 Outcome expected and performance management

- 5.1 That the LCTR scheme supports those on low incomes to meet their Council Tax liabilities and that the Exceptional Hardship Scheme provides additional support to those facing exceptional hardship
- 5.2 The cost of the LCTR scheme and the Exceptional Hardship scheme will be monitored monthly

6 Consultation

- 6.1 As there are no revisions to the current scheme, there is no requirement to consult.

7 Corporate plan and council policies

- 7.1 The scheme supports the council's aim of a fairer council tax for those on the lowest incomes.

8 Business case and alternative option(s) considered

- 8.1 No alternatives considered as it is a statutory requirement to have in place a Local Council Tax Reduction Scheme.

9 Financial appraisal

9.1 The Council Tax Reduction Scheme reduces the Council Tax base and thereby the amount of Council Tax that can be collected. The total cost of the scheme is shared through the collection fund between the Council and preceptors. The recommendation in this report is to leave the scheme unchanged and might not have an immediate impact on the Council Tax collected by the Council.

9.2 The cost, in terms of a reduction in tax base regarding the 2023/24 scheme will be in the region of £8.45m (2022/23 cost will be in the region of £8.3m). The actual cost of the discount scheme for 2023/24 will not be known for certain until the end of the financial year and will be dependent on the actual caseload in year as well as the levels of Council Tax set by the Council and the major precepting authorities.

10 Legal implications

10.1 The Council is required by the Local Government Finance Act 1992 (Schedule 1A, paragraph 5) to consider, for each year, whether to revise its council tax reduction scheme or to replace it with another scheme. It is open to the Council to decide to make no changes to the scheme from one financial year to the next.

10.2 Under section 67 of the 1992 Act, adoption of a Council Tax Reduction Scheme is reserved to full Council. The role of Cabinet is to consider the proposed revised scheme and make a recommendation to Council.

Date of legal advice: 03.11.22

Legal ref: 011545-LDC-OD

11 Risk management implications

11.1 The main risk to the Council is that the cost of the scheme rises substantially. This could happen if there is an upturn in the number of people who become eligible for, and claim, CTR. This risk must be accepted as the Council has no mechanism to prevent this happening.

12 Equality analysis

12.1 As there are no changes to the scheme being proposed, there is no requirement for an Equality Analysis as one was carried out on the 2022/23 scheme.

13 Environmental sustainability implications

13.1 There are no sustainability implications arising from this report.

14 Contribution to Community Wealth Building

14.1 Reducing the amount of Council Tax that the most financially challenged have to pay increases their disposable income which could be spent on goods and services in the local area thus increasing employment opportunities and contribute to business growth.

15 Appendices

- Appendix 1 – Draft Local Council Tax Reduction scheme 2022/23

16 Background papers

The background papers used in compiling this report were as follows:

- None

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Lewes District 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 2023 until 31st March 2024.

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 2023 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2023; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)

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

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

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;

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

The three prescribed classes are as follows;

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

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

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

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—

- (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
- (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

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

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

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

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *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, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* 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 reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

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

¹ Section 5 of this scheme

his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.

- c. 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 £16,000³;
- 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 *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 reduction⁶.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum Council Tax Reduction⁸ amount can be calculated;
- h. not have capital savings above £16,000⁹;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their *applicable amount*¹¹;
- j. have made a valid application for reduction¹²;
- k. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

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

Council Tax Reduction Scheme

Details of support to be given for **working age applicants**.

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

‘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 as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

‘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 an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

‘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 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 if they were a married couple or civil partners;
- 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 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

‘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:

- a. the local authority; or
- b. 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’ means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and 2014 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;

‘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 and Pensions Act 2014;

'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.);

- 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' references in this scheme to an applicant participating as a service user are to

- a. a person who is being consulted by or on behalf of—
 - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

'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;

'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, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional

Provisions) Regulations 2014;

‘Up-rating Act’ means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014, and the Welfare Benefits Up-rating Order 2015;

‘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 amended¹³; 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 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).

¹³ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- 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).

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 Number¹⁴

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 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,

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 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;
 - (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;
 - (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 (5) of that regulation 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).

- 7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 7.4B Paragraph (4A)(b) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 7.5 A person falls within this paragraph if the person is—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021
 - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (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;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;
 - (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 1971¹⁵ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,

¹⁵ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

- (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012;
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; or
- (iv) granted under the Afghan Citizens Resettlement Scheme.
- (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 or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

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 the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
 "EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;
 "family member" has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
 "relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; 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.

7A.0 Transitional provision

7A.1 The above does not apply to a person who, on 31st March 2015—

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
- (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.

7A.2 The events are—

- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
- (b) the person ceases to be entitled to an income-based jobseeker's allowance.

7A.3 In this section "the Act" means the Local Government Finance Act 1992.

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 to that person.

8.2 A person shall not be treated as absent from the dwelling for any day falling within a day of temporary absence

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 as amended by the Offender Rehabilitation Act 2014, 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 or 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 the Mental Health (Scotland) Act 2015; 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. 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;

9.1A In this scheme "child" means a person under the age of 16; and "young person" means a qualifying young person within the meaning of Part 2 of the Child Benefit (General) Regulations 2006 SI No 223 or one to which section 145A of the Social Security Contributions and Benefits Act 1992 applies after his death.

- 9.2 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 be entitled to an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 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 2002¹⁶ 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.

¹⁶ The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council tax reduction purposes

12.0 Applicable amounts

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

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

13.0 Polygamous marriages

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

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the amount within paragraph 1 (3) (c) of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts) 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 provisions of this Part.

- 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 to dealing with UC 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 33 (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 must be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 15A.4 sections 33 (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 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 8(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 woman 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.

24.1 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 national insurance 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 profits threshold 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 2001.¹⁷

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 an applicant participating as a service user.

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

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;
 - 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

¹⁷ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

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) national insurance 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. national insurance 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 28.1 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 national insurance contributions under paragraphs 28.1 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 profits threshold) 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 27.1 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 Paragraphs 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 those 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 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 a 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 as a service user.

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 £16,000 and no support shall be granted when the applicant has an amount greater than this level

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 Subject to paragraph 39, 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 subparagraph (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;
- c. in respect of a person's participation in the Mandatory Work Activity Scheme;
- d. Enterprise Scheme;
- e. in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme;
- f. 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

42.1 Where the 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 purposes¹⁸

¹⁸ 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 Not used

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, or
 - (ii) 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 For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 21
- 45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- 45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- 45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary, or payment as the case may be.
- 45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.
- 45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

46.0 Calculation of grant income

- 46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.
- 46.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;

- (h) intended for the child care costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;

- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

47.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph

- 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

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

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (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

58.0 Non-dependant deductions

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, $\text{£}12.85 \times 1/7$;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}4.20 \times 1/7$.

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 $\text{£}224.00$, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than $\text{£}224.00$, but less than $\text{£}389.00$, the deduction to be made under this section shall be $\text{£}8.55 \times 1/7$
- (c) not less than $\text{£}389.00$, but less than $\text{£}484.00$, the deduction to be made under this section shall be $\text{£}10.70 \times 1/7$.

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
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (a) 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);
 - (b) 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;
 - (i) ‘patient’ has the meaning given within this scheme, and
 - (ii) 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.
 - e. 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;
 - (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;
 - (c) who is entitled to an award of universal credit where the award is calculated on the

basis that the person does not have any earned income.”;
For the purposes of sub-paragraph (c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

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

59.1 The prescribed daily percentage, the taper, 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

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 eight 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.0 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 eight 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 area¹⁹**

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 – 63.0 Not Used

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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 application²⁰

- 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);
 - (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 reduction or its amount.

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

69.0 Procedure by which a person may apply for a reduction under the authority's scheme²¹

69.1. Paragraphs 69.2 to 69.7 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.

Backdating of reductions

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

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (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 6 months before the date the application was made;
 - c. the day 6 months before the date when the applicant requested that the application should include a past period.

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.

69A.8 In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

70.0 Local Authority Input Documents (LAID) and Local Authority Customer Information (LACI) treated as an application of reduction

70.1 The authority may treat either a LAID or LACI received from the Department for Work and Pensions as an application for Council Tax Reduction as it sees fit.

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 evidence²²

72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority’s scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

72.2 This sub-paragraph is satisfied in relation to a person if—

(a) the application is accompanied by;

(i) a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or

(ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;

(i) evidence of the application for a national insurance number to be so allocated; and

(ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

(a) in the case of a child or young person in respect of whom an application for a reduction is made;

(b) to a person who;

(i) is a person treated as not being in Great Britain for the purposes of this scheme;

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

(iii) has not previously been allocated a national insurance number.

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

- 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 (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 application²³**
- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- 73.2 Where the application was made by telephone the amendment may also be made by telephone.
- 73.3 Any application amended is to be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

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

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 circumstances²⁴

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 A person who has been awarded a reduction under the authority's scheme who is also on state pension credit must report;

(a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;

(b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

74.7 In addition to the changes required to be reported under sub-paragraph (6), a person whose state pension credit comprises only a savings credit must also report—

(a) changes affecting a child living with him which may result in a change in the amount of

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

reduction under the authority's scheme allowed in his case, but not changes in the age of the child;

(b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;

(c) any change in the income or capital of;

(i) a non-dependant whose income and capital are treated as belonging to the applicant; or

(ii) a person to whom their partner is treated as member of the household, and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

74.8 A person who is entitled to a reduction under the authority's scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (6) and (7).

Sections 75- 90

Decisions, decision notices and awards of Council tax reduction

75.0 Decisions by the authority²⁵

75.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁶

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

(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

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

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

(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 reduction²⁷

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 paid²⁸

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

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

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

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 / reduction²⁹

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 reasonably practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled³⁰

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 liability³¹

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.

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 under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

83.0 – 98.0 Not Used

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

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

³¹ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³²

- 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 Act³³.

³² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³³ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

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 Act³⁴

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).

100A.0 Procedure for an application to the authority for an Exceptional Hardship Payment under section 13A(1)(a) of the 1992 Act³⁵

100A.1 An application to the authority for an Exceptional Hardship Payment must

- (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

³⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³⁶
Electronic Communication

³⁶ 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 sub-paragraph (1) if the conditions specified in sub-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 Amounts³⁷

³⁷ ³⁷ 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	£77.00
b) is aged not less than 25	£77.00
c) is aged not less than 18 but less than 25	£61.05
2. Lone Parent	£77.00
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£121.05
b) Where one member is aged not less than 18	£121.05
c) For each additional spouse who is a member of the same household as the claimant	£44.05

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;	£70.80
(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.	£70.80

(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, £17.85;

Premiums

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs

4 to 16 in respect of that premium.

5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

- 6 (1) The following premiums, namely–

- a. severe disability premium to which paragraph 10 applies;
- b. an enhanced disability premium to which paragraph 11 applies;
- c. a disabled child premium to which paragraph 12 applies; and a
- d. carer premium to which paragraph 13 applies,

may be applicable in addition to any other premium which may apply under this Schedule

7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
- a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer’s allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect

of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£36.20
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	£51.60
Severe Disability Premium	£69.40
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	£69.40
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	£138.80
Disabled Child Premium	£68.04 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	£38.85 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) £27.44 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) £17.75 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) £25.35 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

Premium	Amount
	are satisfied in respect of a member of that couple or polygamous marriage.

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £30.60. The amount of the support component is £40.60.

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

Not Used

Schedule 3

Sums to be disregarded in the calculation of earnings³⁸

³⁸ 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 earnings³⁹

³⁹ 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, 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;
 - (h) an Armed Forces Compensation Scheme payment.
- 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 16 and 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.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 65.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022
- 66.** Any payment of child benefit.

Schedule 5
Capital to be disregarded⁴⁰

⁴⁰ 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 5, 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 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. 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 capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
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.

(3) 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 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.

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 subparagraph (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 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.
- 58 (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).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).
- 64.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
- (a) an applicant’s entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
- “The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

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Report to:	Cabinet
Date:	8 December 2022
Title:	Council Tax Base and Non-Domestic Rates income for 2023/24
Report of:	Homira Javadi, Chief Finance Officer
Cabinet member:	Councillor Zoe Nicholson, Deputy-Leader of the Council, Cabinet Member for Finance and Assets
Ward(s):	All
Purpose of report:	To approve the Council Tax Base and net yield from Business Rate Income for 2023/24 in accordance with the Local Government Finance Act 1992.
Decision type:	Key decision
Officer recommendation(s):	<ul style="list-style-type: none">(i) Agree the provisional Council Tax Base of 37,839.4 for 2023/24 for the whole area and that the Council Tax Base for each of the Town and Parish areas of the District shall be set out in Appendix 2 of this report.(ii) Agree that the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, determine the final amounts for the Council Tax Base for 2023/24.(iii) Agreed that the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, determine net yield from Business Rate income for 2023/24.
Reasons for recommendations:	Cabinet is required to approve the Tax Base which will be used for the purposes of calculating the 2023/24 Council Tax.
Contact Officer(s):	Name: Homira Javadi, Chief Finance Officer Tel: 01323 415512 or email Homira.Javadi@lewes-eastbourne.gov.uk

1 Introduction

- 1.1 The Council is required to set its Council Tax Base for the forthcoming year. This calculation is used as the basis for the amount of income the Council will precept from the Collection Fund.
- 1.2 The Local Authorities (Calculation of Council Tax Base) Regulations 1992 prescribe that the billing authority (this council) must supply the precepting authorities (the County, Police and Fire authorities) with the calculation of the Council Tax Base. This information must be supplied between 1 December and 31 January in the financial year proceeding the financial year for which the calculation is being made.
- 1.3 Non-Domestic Rating (Rates Retention) Regulations 2013 also sets out a timetable for informing the Government and precepting authorities of the business rate income calculation. This information is completed via a Government return (NNDR1) which must be submitted by 31 January in the financial year preceding the financial year for which the calculation is being made.
- 1.4 In order to assist the precepting authorities with their financial planning it is helpful to provide the information during December rather than wait for the January deadline.

2 Council Tax Base 2023/24

- 2.1 The Council Tax Base is the estimated full year equivalent number of chargeable dwellings. This is expressed as the equivalent number of Band D dwelling with two or more liable adults.
- 2.2 In making this estimate, account must be taken of discounts, disabled relief and property exemptions. Movements on and off the valuation list during the year must also be taken into account – e.g., where new properties have been built or old ones converted or demolished.
- 2.3 The basic calculation as determined by primary legislation is that the Council arrives at its Council Tax Base by multiplying its Relevant Amount by its estimated Collection Rate.

3 Relevant amount

- 3.1 The Relevant Amount for each Band is the estimated full year equivalent number of chargeable dwellings in the Band expressed as the equivalent number of Band D dwellings. The Government's Valuation Office assesses the relative value of each property with the borough and places it in one of the eight bands. A conversion factor is then applied to each band in order to obtain the equivalent number of Band D property as set out below:

Band	Valuation (at 1 April 1991)	Conversion Factor as proportion of Band D
A	Less than £40,000	6/9
B	£40,001 - £52,000	7/9
C	£52,001 - £68,000	8/9
D	£68,001 - £88,000	9/9
E	£88,001 - £120,000	11/9
F	£120,001 - £160,000	13/9
G	£160,001 - £320,000	15/9
H	Over £320,001	16/9

- 3.2 Deductions are made to the aggregate number of properties in each band in respect of various discounts such as empty properties and single persons. An adjustment is also made to reflect the impact of the Council Tax Reduction Scheme.
- 3.3 The results for each Band are then added together to arrive at the overall Band D or Relevant Amount. For 2023/24 this totals 38,690.6 equivalent properties.
- 3.4 The Relevant Amount has increased by 828.06 (2.19%) Band D equivalent dwellings from 2022/23. This is the net impact of increases in the total number of properties, less increased discounts and increases in the Council Tax Reduction Scheme.
- 4 Collection Rate**
- 4.1 The Collection Rate is the Council's estimate of the proportion of the overall Council Tax collectable for 2023/24 that will ultimately be collected.
- 4.2 The key elements in making this calculation are losses on collection, appeals against valuation, changes in circumstances (e.g. application for discounts in respect of single person's occupancy or disability) and other adjustments. These other adjustments to bills can arise for a variety of reasons including bankruptcy, death and exemptions, plus an allowance for uncollectable debts.
- 4.3 The current level of Council Tax collection is forecast to show an in-year surplus balance of £2.95m at the end of 2022/23. With the cost of living crisis and the country facing a longer recession, bad debt provisions are currently under review and may need to be increased. The 2023/24 collection rate is 97.8% an increase on the current rate of 97.0%.
- 4.4 It should be noted that, under accounting regulations brought in by Government in response to Covid-19, deficits can be spread over three financial years from 2021-2024 in respect of 2020/21 deficits.

5 Council Tax Base

- 5.1 Taking the Relevant Amount of 38,690.6 and applying the Collection Rate of 97.8% produces a Council Tax Base for 2023/24 of 37,839.4.
- 5.2 The Council Tax Base has increased by 3.03% compared with 2022/23. This is equivalent to an increase of 1,113 Band D dwellings. The detailed number of properties is shown at Appendix 1.
- 5.3 The Council's Medium Term Financial Strategy is updated annually to take account of movement in the Council Tax Base. The assumed tax base for the current MTFS was 36,726.6, therefore this would represent an increase in assumed Council Tax income of £244k based on the current Band D Council Tax rate of £219.53.

6 Town and Parish Council's Tax Base

- 6.1 Cabinet is recommended to approve the constituent parts for the total tax base relating to Town and Parish Councils shown at Appendix 2. These will be used to calculate the Special Expenses Council Tax amounts for 2022/23, as well as the Council Tax requirement for each Town and Parish Council to meet their own budget (precept) requirements. The Towns and Parishes will be advised of these individual tax bases following this meeting in order that each can assess the impact of the precept in its area.

7 Business Rate Income

- 7.1 The Local Government Finance Act 2012 introduced a new system for the local retention of business rates. This means that the Council is required to formally approve the expected business rate income for the forthcoming year. The estimate for the 2023/24 financial year must be approved by 31 January 2023.
- 7.2 The Business Rate income is collated on the Government's NNDR1 form which shows the net rate income yield for the central and local shares of the business shares of the business rates. The actual NNDR1 form and guidance notes have not yet been received.
- 7.3 The net business rate yield is calculated using the total expected gross income by multiplying the Rateable value by the nationally set multipliers (for 2022/23 these are 51.2p standard and 49.9p for small businesses). These multipliers are uplifted annually by the September CPI rate which was 10.1% (Sept 2022), but this increase is still to be confirmed by Government and rates may be frozen. This gross yield is then adjusted for mandatory and discretionary reliefs, an allowance for cost of collection, adjustment for changes in Rateable Value due to growth or reduction in property numbers, estimated losses on collection and an allowance for appeals.
- 7.4 The resulting calculation is the net business rate yield which is shared as follows:

50% to Central Government
40% to Local Billing Authority (this council)
9% to the County
1% to the Fire Authority.

- 7.5 The local share is then payable to the Council's General Fund. All other adjustments to the overall level of Business rate income are then accounted for within the General Fund.
- 7.6 The final amount of business rates income retained by the Council is adjusted by deduction tariff and levy payments.
- 7.7 The system of tariff or top up is to redress the balance of Business Rate income nationally to ensure that no local authority is worse off as a result of business rate income at the outset of the rates retention scheme in 2013. This authority currently makes a tariff payment, and information on the level of tariff payment will be announced as part of the Government grant settlement figures.
- 7.8 Levy payments allow authorities to retain a proportion their growth. The levy has been set at 50% of the growth over the baseline allowance set by Government.

8 Setting the Business Rate Income

- 8.1 As the final figures required to set the Business Rates Income are not yet available, Cabinet is asked that delegated authority be given to the Chief Finance Officer, in consultation with the portfolio holder for Finance.

9 Business Rate Pooling

- 9.1 The Council is working within a Business Rate Pool with the other East Sussex Borough and District Councils, East Sussex County Council and East Sussex Fire Authority. Under this arrangement, 50% of any growth in business rate income which would otherwise be paid as level to the Government can be retained by the Pool to be redistributed to its participating authorities in accordance with an agreed memorandum of understanding.

10 Collection Fund Performance

- 10.1 As at 31 March 2022 the Collection Fund showed a net deficit of £2,834,287 (£3,691,721 Council Tax surplus and £6,526,009 Business Rates deficit). A £709,728 deficit is currently being recovered across Council Tax and Business Rates preceptors during 2022/23, leaving a balance of £2,124,559 to be recovered in 2023/24.
- 10.2 The Council has to estimate the overall surplus/deficit at 31 March 2023 and inform precepting authorities in January 2023 of this estimate in order that the amount is included in the 2023/24 precept figures.
- 10.3 Current monitoring figures indicate a surplus by 31 March 2023 of £2,948,144 for Council Tax; this will be revisited in January and the results reported to members as part of the budget report to the February Cabinet. Any surplus or

deficit is allocated to preceptors in 2023/24 in proportion to the 2022/23 Band D Council Tax. For this council this represents a 15.07% share of the total.

- 10.4 The calculation on the Business Rate income element of the Collection Fund currently indicates a deficit balance of £2,802,948 (excluding reliefs funded by s31 grant). Any surplus or deficit is allocated in 2023/24 in accordance with the proportions given at paragraph 6.4 above.

11 Outcome expected and Performance Management

- 11.1 Once the Council Tax Base and the estimate balance on the Council Tax element of the Collection Fund has been determined, East Sussex Council, Sussex Police and Crime Commissioner and East Sussex Fire Authority will be notified.
- 11.2 Once the NNDR1 2023/24 has been completed and the estimated balance on the Business Rate element of the Collection Fund has been determined, this will be submitted to Central Government and both East Sussex County Council and East Sussex Fire Authority will be notified.
- 11.3 Council Tax and Business Rates income and payments to precepts are accounted for in the Collection Fund which is regularly monitored and reported to members as part of the quarterly performance monitoring report.

12 Financial appraisal

- 12.1 The Council Tax Base will be used to calculate the level of Council Tax requirement that will be recommended to the Council on 2 February 2023.
- 12.2 The net yield from Business Rates income will be used to calculate the amount of retained Business Rates to be credited to the General Fund.

13 Legal implications

- 13.1 The Council Tax Base must be calculated in accordance with the Local Government Finance Act 1992 and The Local Authorities (Calculation of Council Tax Base) Regulations 2012.
- 13.2 Under these Regulations, the billing authority (this council) is required to calculate its Council Tax base by 31 January for the next financial year and inform all its preceptors of this calculation.

The legislation further provides that, where a billing authority fails to notify each of the major precepting authorities of this calculation, it can be determined by those precepting authorities on the basis of all the information available and with reference to the preceding year's amount.

- 13.3 It is a requirement of the Non-Domestic Rating (Rates Retention) Regulations 2013 for the billing authority (this council) to notify DLUHC and precepting authorities of its calculation of expected rate income by 31 January preceding the commencement of the next financial year.

If the billing authority fails to comply with this requirement then the Secretary of State may make the calculation instead and inform precepting authorities of the calculation.

14 Risk management implications

- 14.1 If the Council did not set a Council Tax Base, this can be imposed by the precepting authorities with the potential that an incorrect Band D Council Tax could be set. This would have implications for the Council Tax income for the Preceptors, this Council and the performance of the Collection Fund.

15 Equality analysis

- 15.1 There are no equality implications to this report.

16 Conclusion

- 16.1 The provisional Council Tax Base for 2023/24 has been calculated in accordance with the relevant legislation. Summary calculations are set out within the attached appendix.
- 16.2 The figures required to set the Business Rate Income are not yet available as the NNDR1 form and guidance notes have not yet been received from the DLUHC.
- 16.3 It is recommended that delegated authority be given to the Chief Finance Officer, in consultation with the Portfolio holder for Finance, to agree the final figures for both calculations.

17 Appendices

- Appendix 1 - Summary of property numbers and Council Base Calculation.
- Appendix 2 - Council Tax Base Calculation 2023/24 - Band D Equivalents

18 Background papers

The background papers used in compiling this report were as follows:

- Local Government Finance Act 1992
- The Local Authorities (Calculation of Council Tax Base) Regulations 1992
- The Local Authorities (Calculation of Council Tax Base) (Amendment) Regulations 2003
- Non-Domestic Rating (Rates Retention) Regulation 2013
- Calculation of Council Tax Base – CTB (October 2022) form.

COUNCIL TAX BASE COMPARISON

Appendix 1

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
NUMBER OF DWELLINGS						
Valuation List at November	44,150	44,251	44,497	44,821	45,161	45,542
Less: discounts equated to properties	-3,989	-4,259	-4,371	-3,926	-3,992	-4,094
Total equivalent property number	40,161	39,992	40,126	40,895	41,169	41,448
Estimated changes in the year	317	366	152	216	194	167
Less: Local Council Tax Reduction Scheme	-3,921	-4,129	-3,951	-4,613	-4,825	-4,162
Total Number of Properties	36,557	36,229	36,327	36,498	36,538	37,452
% increase/(decrease)	N/A	-0.9%	0.3%	0.5%	0.1%	2.5%
TAXBASE CALCULATION						
Relevant Amount (Band D Equivalent)	37,712.8	37,415.2	37,466.9	37,714.6	37,862.5	38,690.6
% Collection Rate	98.2%	98.3%	98.3%	97.3%	97.0%	97.8%
Council Tax Base	37,034.0	36,760.4	36,811.2	36,711.4	36,726.6	37,839.4
% growth/(reduction)	N/A	-0.74%	0.14%	-0.27%	0.04%	3.03%

Council Tax Base Calculation 2023/24 - Band D Equivalents											
Town/Parish Area	DISA	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total	Collection Rate 97.80%
Barcombe	0.0	10.2	27.2	94.4	95.6	111.9	136.2	167.1	18.0	660.5	646.0
Chailey	0.0	33.7	40.8	163.4	151.3	281.8	323.7	418.3	56.0	1,469.0	1,436.7
Ditchling	0.0	7.0	16.7	59.2	76.2	320.5	191.1	434.2	64.0	1,168.9	1,143.2
East Chiltington	0.0	4.0	3.7	55.7	40.8	8.9	17.6	53.8	20.0	204.3	199.8
Falmer	0.0	1.2	7.5	14.6	16.4	15.5	4.3	9.6	2.0	71.2	69.7
Firle	0.0	2.7	11.4	17.7	24.1	29.2	9.4	24.2	7.5	126.1	123.4
Glynde & Beddingham	0.0	5.4	9.0	63.4	13.7	22.4	23.6	32.5	18.2	188.1	184.0
Hamsey	0.0	14.3	17.3	54.5	38.9	63.1	46.9	50.5	15.5	301.1	294.4
Iford	0.0	0.0	3.5	3.1	12.3	34.9	16.3	20.4	6.0	96.6	94.4
Kingston	0.0	9.7	3.7	4.3	11.5	54.2	182.7	152.9	14.5	433.5	424.0
Lewes	0.4	178.1	651.7	1,852.9	1,307.8	922.4	672.7	728.8	35.5	6,350.2	6,210.5
Newhaven	0.4	329.9	938.5	1,310.4	877.1	385.4	77.4	21.3	2.0	3,942.4	3,855.6
Newick	0.0	10.9	16.8	129.8	211.0	248.6	242.6	272.1	12.0	1,143.9	1,118.7
Peacehaven	0.0	379.0	486.9	2,048.6	1,497.3	504.4	149.9	21.5	2.0	5,089.7	4,977.7
Piddinghoe	0.0	2.0	1.4	21.0	8.3	24.7	44.4	29.2	0.0	131.0	128.1
Plumpton	0.0	7.7	12.8	91.4	151.5	114.0	106.9	203.6	25.5	713.5	697.8
Ringmer	0.0	15.7	69.0	335.6	647.4	493.3	324.0	204.3	24.5	2,113.7	2,067.2
Rodmell	0.0	5.2	9.6	26.1	11.4	20.3	35.0	92.9	17.5	218.1	213.3
St Ann Without	0.0	2.2	1.6	5.1	6.5	4.9	11.2	9.6	0.0	41.1	40.2
St John Without	0.0	0.0	0.0	5.8	1.8	2.4	1.6	12.5	4.0	28.0	27.4
Seaford	0.0	511.0	745.4	2,183.1	2,257.7	2,336.2	1,292.0	439.9	6.0	9,771.3	9,556.3
Southease	0.0	0.5	0.8	1.8	1.8	4.0	4.3	7.9	2.0	23.0	22.5
South Heighton	0.0	23.2	24.7	174.0	24.7	16.8	7.2	11.3	1.5	283.4	277.1
Streat	0.0	1.2	0.0	8.2	13.8	5.8	9.8	36.7	10.0	85.4	83.5
Tarring Neville	0.0	2.0	0.9	3.8	0.0	0.9	0.0	1.7	0.0	9.3	9.1
Telscombe	0.0	86.8	224.7	853.4	964.8	372.0	67.3	28.5	5.0	2,602.4	2,545.2
Westmeston	0.0	5.8	2.4	6.9	14.5	30.6	24.6	57.1	24.0	165.9	162.2
Wivelsfield	0.0	8.9	29.9	173.5	280.3	256.0	274.2	208.8	27.5	1,259.0	1,231.3
TOTAL	0.9	1,658.4	3,358.0	9,761.6	8,758.3	6,685.1	4,296.8	3,750.8	420.7	38,690.6	37,839.4

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Report to:	Cabinet
Date:	8 December 2022
Title:	Local Development Scheme (December 2022)
Report of:	Ian Fitzpatrick, Director of Regeneration & Planning
Cabinet member:	Councillor Stephen Gauntlett, Cabinet Member for Planning and Infrastructure
Ward(s):	All wards in Lewes District that lie wholly or partially outside of the South Downs National Park
Purpose of report:	To seek Cabinet endorsement of the Local Development Scheme update for approval by Full Council
Decision type:	Budget and policy framework
Officer recommendation(s):	<p>(1) That Cabinet recommends to Full Council that the revised Lewes Local Development Scheme 2023-2025 as set out in Appendix 1 be adopted at the Full Council meeting on 20 February 2023</p> <p>(2) That delegated authority is given to the Director of Regeneration and Planning in consultation with the Cabinet Member for Planning and Infrastructure to make minor changes within the Local Development Scheme where necessary.</p>
Reasons for recommendations:	<p>(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution identifies that the adoption of the Local Development Scheme is a function of Full Council.</p> <p>(2) To ensure that the Local Development Scheme can be kept up to date without needing to bring minor amendments back to Full Council.</p>
Contact Officer(s):	Name: Nadeem Din Post title: Planning Policy - Lead E-mail: nadeem.din@lewes-eastbourne.gov.uk Telephone number: 07800689269

1. Introduction

- 1.1 A Local Development Scheme (LDS) is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS has two main purposes:
- To inform the public about the preparation and adoption of planning documents
 - To establish and reflect the council's priorities and enable work programmes to be set for the preparation of these documents.
- 1.2 An up to date LDS makes clear to local people, developers, landowners and other stakeholders when the key stages of the local plan process will take place and their opportunity to be involved in the Local Plan's preparation.
- 1.3 The Council's current LDS was approved in July 2020 having been revised from the approved 2018 version. It contains the programme for preparing the Local Plan and set out the key stages at which the community and relevant stakeholders would be consulted. It covered the period 2020-2023 and the National Planning Policy Guidance states that an LDS should be reviewed at least annually. It is also important to have the LDS updated regularly as when the Local Plan is at Examination one test to be passed is whether the Local Plan documents have been prepared in accordance with the timetable in the LDS. This LDS will cover the period to 2025.

2 Lewes Local Plan

- 2.1 Having an up-to-date local plan is critical as it enables the council to plan strategically for the development needs of the area whilst balancing other priorities such as environmental protections. While the Lewes Local Plan Part 1 (LPP1 - adopted May 2016) planned for 6,900 dwellings between 2010-2030 (average 345 per annum), the government's introduction of the Standard Method in 2018 increased this to 782 homes across the district. Further changes to the National Planning Policy Framework introduced the need to undertake a review of a local plan every five years. The Lewes Local Plan Part 1 was identified as being more than five-years old by May 2021 and work to review the local plan commenced in 2020.ⁱ An Issues and Option (I&O) consultation was completed in summer/autumn 2021.
- 2.2 The Issues and Options consultation received a huge volume of representations (approx. 42,000) raising several important issues. A picture emerging from the representations for the plan is a desire to have a clearly defined green theme. The council needs to give full consideration to the complex issues raised as it prepares the next iteration of the Local Plan. Also a total of 66 new sites came forward in response to the 'Call for Sites' exercise, which was undertaken alongside the I&O consultation. The revision to the LDS and the proposed timetable reflects the work needed to achieve this.
- 2.3 In May 2022, the Levelling-up and Regeneration Bill was introduced to Parliament, Significant changes to the local plan preparation process are being proposed, including:

- Moving away from the duty to co-operate, and therefore no longer having a requirement for local planning authorities to meet unmet housing needs from neighbouring authorities
- Amendments to the 5-year housing land supply requirement making it only impact local planning authorities when the local plan is out of date
- Possible changes to how housing targets are calculated
- The intention to have a national set of development management policies to streamline plan-making, allowing local planning authorities to focus on strategy, allocation and location specific issues

2.4 While the Levelling up and Regeneration Bill is currently passing through parliament and is scheduled to complete by April 2023, a draft revised National Planning Policy Framework (NPPF), expected in July 2022 is yet to be published but statements from Government Ministers are still suggesting that these proposals will be forthcoming.

2.5 In the meantime, the National Planning Policy Framework (NPPF) updated in July 2021 continues to include a strong expectation that Local Planning Authorities will prepare plans that positively seek opportunities to meet the development needs of their area. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for a number of key land uses. These are housing (including affordable housing), employment, retail, leisure and other commercial development, infrastructure for transport and other key utilities, community facilities, and the conservation and enhancement of the natural, built and historic environment including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation

Implications for the Local Plan timetable

2.6 The amended LDS includes the following main change:

- Updates to the timetable of the Lewes Local Plan work programme

2.7 The published LDS timetable anticipated the Local Plan being adopted in December 2023, with a 'preferred options' consultation taking place in 2021 and the publication of the Proposed Submission document ready in Autumn 2022. Since the publication of the July 2020 LDS, although work has been progressing on the 'Preferred Option' version of the Local Plan, the combination of a significant staff turnover in the planning policy team; the ongoing recruitment challenges to fully resource the team; and further national lockdown in 2021 has meant that delays (especially in the evidence gathering) to the work as originally envisaged necessitates a review of the July 2020 LDS.

2.8 The publication version Local Plan will have incorporated a (wide) range of changes made during the earlier preparatory stages and consultations, the commissioned evidence and national planning reforms. Depending on how the draft plan progresses, it may be necessary to add additional stages to those in the table. Any additional consultation stages would impact on the timetable and the LDS would need to be revised further. In addition, the uncertainty created by

the overdue revised NPPF and the Levelling-up and Regeneration Bill will potentially mean there are further delays to the programme.

- 2.9 The timetable below is intended to allow for work to understand the implications of the emerging evidence and national policy changes. Further owing to local elections in 2023, a period of purdah between March and May has also informed the timeframe. While, the evidence may be approaching completion prior to the purdah period, the council's committee cycle would mean that the six-week public consultation period would run into the purdah period.

Stage	Existing Milestones in adopted LDS	Proposed Milestones
Preferred Option (Reg. 18)	Autumn 2021	Autumn 2023
Draft Plan consultation (Reg. 18)	-	Spring 2024
Publication (of pre-submission plan) and consultation (Reg. 19)	Autumn 2022	Winter 2024
Submission to Secretary of State (Reg. 22)	By or before Winter 2023	Spring 2025
Examination in Public (Reg. 24)	By or before Winter 2023	*Autumn/Winter 2025
Adoption and Publication (Reg. 26)	By or before Winter 2023	* Subject to progress of independent Examination

- 2.10 Accordingly, the revised LDS timetable would see a postponement of the Preferred Option consultation to Autumn 2023, approximately 2 years later than that which is in the published LDS. Upon submission of the Local Plan to the Inspectorate the remainder of the plan-making processes/timetable are in the hands of the Inspectorate, nevertheless, it would be a material consideration (albeit with reduced weight).

3 Outcome expected and performance management

- 3.1 Subject to approval by Full Council, the revised LDS will be published on the Councils' website. The LDS will be monitored by officers and progress towards the production of the Local Plan will be published as part of the annual Authority Monitoring Report.

4 Consultation

- 4.1 There is no requirement for public consultation prior to approving a revised LDS, which will be published on the Council's web site as soon as it comes into effect.

5 Corporate plan and council policies

- 5.1 The Council's Corporate Plan aims to have the greenest Local Plan, put sustainability at the heart of local planning processes, identify housing needs, deliver new homes and stabilise local housing markets

6 Business case and alternative option(s) considered

- 6.1 Not preparing a Local Plan is not an option and is not considered. The publication of an up-to-date LDS is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

7 Financial appraisal

- 7.1 This is an amendment to the timetable for the preparation of Lewes Local Plan. There are financial implications associated with preparing the documents set out within the LDS and these are being met through existing budgets.

8 Legal implications

- 8.1 The local planning authority is required to prepare and maintain a scheme to be known as their local development scheme. To avoid challenge, upon the revision of the scheme, it is important for the Council to comply with S.15(8) Planning and Compulsory Purchase Act 2004 which provides that a local planning authority must revise their local development scheme at such time as they consider appropriate.

Subsection (9) sets out that the same statutory provisions apply to the revision of a scheme as they apply to the preparation of the scheme. Upon the revision of a scheme, the local planning authority must make the following available to the public-

- (a) the up-to-date text of the scheme,
- (b) a copy of any amendments made to the scheme, and
- (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable

Legal Implications Provided 0711/22 - 011540-LDC-JCS

9 Risk management implications

- 9.1 Not maintaining an up to date LDS will mean that the council's approved LDS will be inaccurate and could have negative consequences for the examination of the Lewes Local Plan. A Development Plan Document which is not legally compliant cannot be formally adopted by the Council.

10 Equality analysis

- 10.1 An Equality Analysis is not required for the LDS as it is the project plan for preparing planning documents (DPDs) and does not in itself contain any

policies. The Lewes Local Plan will be subject to Equalities Analysis at the appropriate statutory plan making stages.

11 Environmental sustainability implications

11.1 One of the roles of a local plan is to manage where development takes place and what form that development takes. The new Local Plan will ensure that, through the opportunities it provides, developments respond to the climate and ecological emergencies the council has declared. The revised LDS though has no identified environmental sustainability implications.

12 Contribution to Community Wealth Building

12.1 This is an amendment to the timetable for the production of the Lewes Local Plan and is not in itself contributing to Community Wealth Building.

13 Appendices

- Appendix 1 – Local Development Scheme (update Dec 2022)

14 Background papers

14.1 The background papers used in compiling this report were as follows:

- NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
- Lewes District Council Revised Local Development Scheme (LDS), July 2020

ⁱ Local Plan Part 2 (LPP2) site allocations and Development Management Policies was adopted in February 2020.



Lewes District Council

Lewes District Council Revised Local Development Scheme (LDS)

December 2022

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1. Introduction

- 1.1. This Local Development Scheme (LDS) sets out the Council's programmed timetable for reviewing and updating its Local Plan, setting out its scope as well as the area covered by the Local Plan. Issues and changes in circumstances have arisen that make it necessary to review the plan -making timetable. This LDS, therefore, replaces the July 2020 LDS and covers the period to 2025. It only applies to the area of the district for which the Council is the local planning authority (i.e. Lewes District *excluding* the area within South Downs National Park).
- 1.2. The LDS is designed to help the community and all our partners interested in development and the use of land and buildings in our planning area understand what plans the Council has and intends to produce. While the LDS's main focus is the preparation of a new local plan the Council is committed to involving local communities and other stakeholders in preparation and the [Statement of Community Involvement](#) sets out how we will do this.
- 1.3. A plain English guide to the terms and abbreviations used in the document is set out in Appendix 1 (Glossary).

2. Current Adopted Development Plan Documents

- 2.1. The Council has prepared a number of Development Plan Documents in recent years. The Lewes District Local Plan currently comprises development plan documents (DPDs), as follows:

- i. **Lewes District Local Plan Part 1: Joint Core Strategy**

- 2.2. This document sets out the overall spatial vision, strategic objectives and development strategy for the whole district. It was adopted by Lewes District Council in May 2016. The planning policies for that part of the District within the National Park have now been superseded and replaced by the South Downs Local Plan, adopted in July 2019.

- ii. **Lewes District Local Plan Part 2: Site Allocations and Development Management Policies**

- 2.3. This document supports and seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1. It allocates additional sites for particular land-uses and sets out detailed (non-strategic) development management policies to guide development and change. It was adopted by Lewes District Council in February 2020.

- iii. **'Saved' policies of the Lewes District Local Plan (2003)**

2.4. A number of policies in the Lewes District Local Plan (2003) have been 'saved' and will continue to form part of the development plan until replaced by the adoption of the Peacehaven and Telscombe Neighbourhood Plan. These policies are set out in Appendix 2.

iv. Neighbourhood plans

2.5. Where neighbourhood plans are 'made' they form part of the statutory development plan. The District Council has to take it into account when it makes decision on planning applications in the area, alongside other adopted development plan documents. The following neighbourhood plans are in place across the district:

- Ditchling, Streat & Westmeston Neighbourhood Plan (2018)
- Hamsey Neighbourhood Plan (2016)
- Newhaven Neighbourhood Plan (2019)
- Newick Neighbourhood Plan (2015)
- Plumpton Neighbourhood Plan (2018)
- Ringmer Neighbourhood Plan (2016)
- Seaford Neighbourhood Plan (2020)
- Wivelsfield Neighbourhood Plan (2016)

2.6. In addition to the above made neighbourhood plans, further neighbourhood plans are being progressed. The timetables for preparing these plans are the responsibility of the relevant town or parish council and are therefore not included in this LDS. Further details can be found on the Council's [Neighbourhood Planning](#) webpages.

- v. East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)**
- vi. East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)**

2.7. East Sussex County Council and the South Downs National Park Authority are responsible for waste and minerals development in Lewes District. Both authorities work in partnership with Brighton & Hove City Council to produce the [Waste and Minerals Development Plan Documents](#) covering East Sussex, the South Downs and Brighton & Hove. The timetables for preparing and reviewing these documents are not addressed in this LDS.

2.8. Decisions on planning applications are to be taken in lines with the policies of the above development plan documents, unless there are significant matters ('material considerations') that indicate otherwise.

3. Context

- 3.1. The National Planning Policy Framework (NPPF) updated in July 2021 continues to include a strong expectation that Local Planning Authorities will prepare plans that positively seek opportunities to meet the development needs of their area. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for a number of key land uses. These are housing (including affordable housing), employment, retail, leisure and other commercial development, infrastructure for transport and other key utilities, community facilities, and the conservation and enhancement of the natural, built and historic environment including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 3.2. The local plan and timetable addressed in this version of the Local Development Scheme is based on the current plan-making system. The Government published the Levelling Up and Regeneration Bill in May 2022, which proposes changes to the plan-making system. These proposals may have implications for the emerging plan, subject to the provisions of any final Act, including transitional arrangements. The Local Planning Authority continues to prepare planning policies under the current system whilst monitoring the progress of these proposed changes.
- 3.3. The LDS uses seasons in the timetables for plan making. These are using standard definition as used by the Meteorological Office. Where a key stage falls in winter of a particular year, it will be followed by brackets saying 'late' for December and 'early' for January to February to avoid confusion about the part of the year involved.

Spring	Summer	Autumn	Winter
March – May	June – August	September – November	December – February

4. Lewes District Local Plan

- 4.1. The main Development Plan Document (DPD) to be produced is the Lewes District Local Plan. The Council's planning policy team is responsible for leading the work on preparing the Local Plan, whose geographical coverage is the whole of Lewes District excluding the area within the South Downs National Park. Ensuring that the Local Plan is in conformity with national policy and legislation is also a key requirement in preparing the local plan.
- 4.2. This LDS replaces the current Local Plan (Parts 1 & 2) adopted by the Council in 2016 and 2020. An 'Issues and Options' consultation, undertaken in the summer of 2021 received approximately 42,000 representations. Issues raised through the consultation relating to the evidence base, spatial strategy options and protection of the environment, as well as the other consultation topics are all being given full consideration.

- 4.3. Alongside the ‘issues and options’ consultation representation, a suite of evidence studies are being prepared on a variety of topics to support the preparation of the Local Plan. These studies are due to report back in early 2023 and will be important in supporting that the plan’s spatial strategy as being an appropriate strategy.
- 4.4. The timetable in the table below is intended to allow for work to understand the implications of the emerging evidence and national policy changes, noting the complexity of the issues and the volume of comments raised by the Issues and Options consultation. Further owing to local elections in 2023, a period of purdah between March and May has also informed the timeframe for the preparation of the Local Plan.
- 4.5. Accordingly the revised LDS timetable would see a postponement of the Preferred Option consultation to Autumn 2023, approximately 2 years later than that which is in the published LDS. Upon submission of the Local Plan to the Planning Inspectorate the remainder of the plan-making processes/ timetable are in the hands of the Planning Inspectorate, nevertheless, it would be a material consideration (albeit with reduced weight.) Officers will seek discussions, should they be appropriate, with the Planning Inspectorate closer to the examination, including on procedural issues. The changes to the national plan making system may also result in changes to the approach, process and timetable.

Stage	Existing Milestones in adopted LDS	Proposed Milestones
Preferred Option (Reg. 18)	Autumn 2021	Autumn 2023
Draft Plan consultation (Reg. 18)	•	Spring 2024
Publication (of pre-submission plan) and consultation (Reg. 19)	Autumn 2022	Winter 2024
Submission to Secretary of State (Reg. 22)	By or before Winter 2023	Spring 2025
Examination in Public (Reg. 24)	By or before Winter 2023	*Autumn/Winter 2025
Adoption and Publication (Reg. 26)	By or before Winter 2023	* Subject to progress of independent Examination

5. Supplementary Planning Documents and Guidance

- 5.1. Adopted Supplementary Planning Documents (SPD) and Guidance (SPG) have been prepared to provide further guidance on the adopted Local Plan policies. SPDs can be given substantial weight in planning decisions.
- 5.2. As it is no longer a requirement to details SPDs and their timetables for preparation within an LDS, details of any future SPDs will be provided on the District Council's website. Stakeholders and consultees will be informed of the timetable(s) at the start of an SPD's preparation.

6. Statement of Community Involvement (SCI)

- 6.1. The [Statement of Community Involvement \(SCI\)](#) sets out how Lewes District council will involve the community in the preparation and review of planning policy. Improving community and stakeholder engagement in planning from the outset is a key tenet of plan-making, and every local planning authority is required to produce a SCI. The SCI is not a DPD, and is not subject to Examination.
- 6.2. A SCI was adopted in 2020, it details how the community and stakeholders will be involved in the preparation, alteration
- 6.3. To ensure that the SCI remains relevant and has regard to new methods of engagement, the councils will keep this under review, updating it where necessary

7. Community Infrastructure Levy

- 7.1. The Community Infrastructure Levy (CIL) provides a mechanism for collecting financial contributions from new development. These help fund a wide range of strategic infrastructure, such as public transport, parks, and community facilities, needed support growth. Lewes District Council is the CIL Charging Authority and administers the adopted charging schedules.
- 7.2. Further information on the CIL, including the charging schedule is on the Council's website at: [Community Infrastructure Levy \(CIL\) - Lewes and Eastbourne Councils \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk)
- 7.3. The government requires that local plans should set out the contributions expected from development and that the viability of all relevant policies including the cost implications of CIL, and S106 should be taken into consideration during the plan making process. Evidence relating to infrastructure needs and viability is being reviewed as part of the Local Plan preparation and an opportunity to review the CIL charging exists.

8. Monitoring and Review

- 8.1. The Council's performance against the LDS timetable will be monitored through the Authority Monitoring Report (AMR). The AMR is a 'state of the environment' report produced at least annually. It assesses the effectiveness of the Local Plan policies in managing development and achieving the outcomes and objectives of the planning framework. It is also used to identify future work priorities by providing a 'baseline' context for reviewing and amending existing policies.
- 8.2. The LDS is next anticipated to be updated following consultation on the 'Preferred Options' at the end of 2023, or where a need to do so earlier is identified.
- 8.3. The latest versions of the AMR are available to view on [Council's planning policy website](#).

Appendix 1: Glossary

Authority Monitoring Report (AMR) – a report prepared by a local authority that assesses the impact of policies and whether targets for these policies are being met. The report is prepared on at least an annual basis and is available on the local authority's website.

Development Plan – the development plan is the starting point in the consideration of planning applications for the development or use of land.

Development Plan Documents (DPDs) – Planning documents that are subject to independent examination and form part of the statutory development plan for an area.

Joint Core Strategy – This is the adopted Local Plan Part 1. It sets out the long-term vision for the district and the spatial objectives and strategic policies required to deliver that vision.

Local Development Documents (LDDs) – The collective term for all documents that are prepared in association with a Local Plan, including Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

Local Development Scheme (LDS) – A document setting out the programme for the preparation of Development Plan Documents. It sets out a 3 year programme and includes information on consultation dates. The LDS can be revised whenever necessary.

Local Housing Need – The number of homes needed within a local authority area, calculated using the Government's standard methodology introduced in 2018.

Local Plan – The term 'local plan' is used extensively in the new National Planning Policy Framework in preference to the previous term 'Local Development Framework'. It sets out a vision and policy framework to guide the future development and change of an area.

Statement of Community Involvement – sets out how a local planning authority will consult the community and stakeholders, not only on LDDs, but also on major planning applications.

Supplementary Planning Documents (SPDs) – these can be produced to provide policy guidance to supplement the policies and proposals in DPDs. They do not form part of the development plan but must undergo a formal process of consultation.

Sustainability Appraisal (SA) – Assessment of the social, economic and environmental impacts of the policies in Development Plan Documents

Appendix 2: Schedule of Saved Policies

All Lewes District Local Plan 2003 policies were saved under a Direction by the Secretary of State in 2009. The majority of these policies have now been superseded and replaced by other development plan documents, including the Lewes District Local Plan Part 1: Joint Core Strategy, the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies, and Neighbourhood Plans.

However, early in the preparation of the Lewes District Local Plan Part 2, the District Council took the decision not to allocate non-strategic sites for specific land-uses or identify area specific policies in locations where a town or parish council were developing a neighbourhood plan that would include allocations for specific land uses.

The combined parishes of Peacehaven and Telscombe were designated as a neighbourhood area for the purposes of preparing a neighbourhood plan in 2013. Accordingly, the Local Plan Part 2 does not identify non-strategic site allocations or site specific policies within the Peacehaven or Telscombe neighbourhood area. The saved Lewes District Local Plan 2003 policies listed below will therefore remain part of the development plan for Lewes District until the Peacehaven and Telscombe Neighbourhood Plan has been approved at referendum.

Chapter 13: Peacehaven & Telscombe	
Policy PT6	Meridian and Bolney Avenue Industrial Estates Link
Policy PT9	Meridian Centre
Policy PT10	Access and Permeability at the Meridian Centre
Policy PT11	Joff Youth Club
Policy PT12	The Coast, Clifftop and Foreshore
Policy PT13	The Coast, Clifftop and Foreshore
Policy PT18	Allotments
Policy PT19	Valley Road
Policy PT20	Valley Road

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Report to:	Cabinet
Date:	8 December 2022
Title:	Natural Flood Management within the Ouse and Eastern Adur catchment
Report of:	Tim Whelan, Director of Service Delivery
Cabinet member:	Councillor Matthew Bird, Cabinet member for sustainability
Ward(s):	All
Purpose of report:	This report sets out the next steps for Natural Flood Management in Lewes district, which encompasses the Ouse and Eastern Adur catchments.
Decision type:	Key
Officer recommendation(s):	<p>(1) That Cabinet approves the strategic approach presented and agrees as follows:</p> <p>a. To continue to provide governance, support and resource to the Natural Flood Management (NFM) programme beyond the current end date of March 2023 and to delegate authority to the Director of Service Delivery in consultation with the Cabinet member for waste and recycling to negotiate the terms of and enter into any necessary agreements to facilitate this provision.</p> <p>b. To build upon the NFM approach (as outlined in this report) and support inter-linked projects with partners and stakeholders such as habitat restoration and nature recovery in the Ouse catchment.</p> <p>(2) That Cabinet endorses the approach set out at Appendix 1 'Lewes District Council (LDC) Briefing: Natural Flood Management within the Ouse and Eastern Adur catchment' and Appendix 2 'Wilder Ouse, Vision & Targets'.</p> <p>(3) Approve a waiver to the Contract Procedure Rules (CPR) as set out in paragraph 2.4.1 (a) of the CPR to enable the Council to enter into agreements with partners in relation to this strategic approach.</p>

Reasons for recommendations: LDC has been successfully working in partnership delivering Natural Flood Management (NFM) projects with the Sussex Flow Initiative (SFI) and Ouse & Adur Rivers Trust (OART) since 2016. This approach has delivered a raft of benefits on which to build in a collaborative effort to improve climate resilience in the coming years.

Contact Officer(s): Name: Ellen Miller
Post title: Specialist Advisor Coastal Projects (Green Consultancy)
E-mail: ellen.miller@lewes-eastbourne.gov.uk
Telephone number: Tel: 07808 260960

Name: Tim Bartlett
Post title: Specialist Advisor Coastal and Flood Risk Management (Green Consultancy)
E-mail: Tim.Bartlett@lewes-eastbourne.gov.uk
Telephone number: Tel: 07784 294560

Name: Jane Goodall
Post title: Environment Lead
E-mail: Jane.Goodall@lewes-eastbourne.gov.uk
Telephone number: Tel: 07788 515359

1 Introduction

- 1.1 In 2016, LDC entered into a partnership with the Sussex Flow Initiative (SFI) and Ouse & Adur Rivers Trust (OART) to deliver a range of initiatives to use natural processes to make space for water and thus reduce the risk of flooding in the Ouse Catchment.
- 1.2 This pioneering lowland Natural Flood Management project aims to create a climate resilient landscape. OART is the primary delivery organisation of river enhancements across the entire catchment with over £5m of enhancements in the past nine years. The SFI small team of experts also works with communities and landowners to help people and wildlife to adapt better to extreme flooding and drought.
- 1.3 The project is a collaboration between Sussex Wildlife Trust, the Woodland Trust, the Environment Agency, and Lewes District Council with OART as an equal delivery partner. The present agreements end in March 2023.
- 1.4 In 2019, Lewes District Council committed to reduce council greenhouse gas emissions to net zero and to become fully climate resilient by 2030 and to address the ecological disaster (Feb 2021). Meaningful nature-based solutions are at the heart of these ambitions.

2 Proposal

- 2.1 Proposals can be summarised as:

- ✓ To continue with this important area of work, learning from our experience and adopting new and emerging ideas around climate resilience that align with this project and LDC's strategies and policies.
- ✓ To provide baseline funding from April 2023 to 2028 to support the partnership approach to NFM and associated nature-based solution projects across the catchments.
- ✓ To link with other nature-based initiatives along the Ouse Valley Catchment such as those generated through Ouse Valley Climate Action and the Railway Land Trust.

2.2 The detailed approach is set out at Appendix 1, Lewes District Council (LDC) Briefing: Natural Flood Management within the Ouse and Eastern Adur catchment.

3 Outcomes and performance management

3.1 The SFI project showcases and delivers working examples of NFM best practice. Over the past five years SFI has delivered a large number of NFM projects, demonstrating a range of different NFM techniques, with key outcomes from that period below:

- Planted >65,000 native shrubs and trees.
- Reconnected 4.95 hectares of floodplain.
- Built 568 leaky dams and trained 24 staff and contractors in leaky dams, scrapes and ponds.
- Stored over 17 million litres of flood water (or around 17,000 tonnes) – much of which is held back each time there is a new flood event.
- Created 1.92 hectares of new freshwater habitat.
- Given advice to 11% of the Ouse catchment area (101 landowners across 6,826.6 hectares), supporting communities and landowners to restore nature while creating flood and drought resilience.
- Restored essential natural capital services including pollinator habitat, air purification, improved access to nature, water purification and natural flood storage.

3.2 LDC seeks to continue support and delivery of NFM and wider linked projects, within the Eastern Adur and Ouse catchments and thus:

- Help to reduce flood risk through the delivery of NFM projects (not inclusive of coastal flood risk)
- Improve drought resilience and climate resilience
- Work with communities and increase their resilience to flood, storm and drought events
- Enhance carbon sequestration
- Provide blue/green corridors for nature recovery and thus improve biodiversity
- Provide natural mechanisms for improving water quality

3.3 It is proposed that for governance purposes, the established working group, comprising 2 councillors, officers from SWT and OART and council officers continue meeting twice a year, with regular briefings every two months between officers and Lead members.

3.4 Associated targets are set out in the partnership agreement at Appendix 2, 'Wilder Ouse', Vision & Targets.

4 Consultation

4.1 Colleagues, partners and Lead councillors have been consulted on the accompanying briefing, at Appendix One, as set out in 4.2 and 4.3.

4.2 Natural Flood Management reflection and feedback sessions with partners were held on Tuesday 7th December 2021 and Wednesday 19th January 2022.

4.3 Initial briefing documents were circulated internally, March 2022, followed by a related meeting in May including key partners. Briefing documents were shared with partner organisations, OART, Environment Agency and SFI, in April with discussions ongoing through the summer 2022.

5 Corporate plan and council policies

5.1 The approach outlined in this report aligns with and complements the Sustainability and Climate Change Strategy and the Biodiversity Strategy and informs our programme of work in nature restoration at a landscape scale.

5.2 For example, there are synergies with the major project taking place on the outskirts of Lewes that will see the realignment of a local stream, the Cockshut, and the creation of a new wetland habitat. The project is a partnership between the council, Ouse and Adur Rivers Trust, Lewes Railway Land Wildlife Trust and South Downs National Park Authority and will bring huge biodiversity benefits and reduce flood risk in the area.

5.3 Officers will continue to explore the so-called 'stackable benefits' of these work streams through, for example, possible biodiversity net gain and carbon offsetting potential as the frameworks, guidance and national requirements become clearer.

6 Business case and alternative option(s) considered

6.1 There is an allocation of £40k currently set aside for the partnership to continue NFM works through 2023/24.

6.2 £20k per year for the 5-year period 2024/25 – 2028/29 is suggested as a contribution to the continuing programme. This level of LDC funding would be primarily used to attract additional funding from other sources to maximize financial resources (e.g. through match funding). The funding would act as seed money to support initial work, but we would seek to have longer term funding streams in place from a range of public and private sources.

6.3 Partner organisations may have limitations on the funding streams they can apply for, which is why a strategic approach across organisations is required, so that funding opportunities can be maximized.

6.4 LDC would also continue to support partners in strategic applications and bids for funding.

7 Financial appraisal

7.1 There is currently an allocation of £40k that has been set aside for the partnership to continue NFM works through 2023/24. However, the service would be required to come up with savings or consider bidding for additional resources during future budget setting process to fund the £20k per year for the 5-year period between 2024/25 – 2028/29 that is required as a contribution to the NFM programme.

7.2 This level of Lewes District Council funding would be primarily used to attract additional funding from other sources to maximize financial resources (e.g. through match funding). The funding would act as seed money to support initial work, but officers would seek to have longer term funding streams in place from a range of public and private sources.

8 Legal implications

8.1 Under the Localism Act 2011 section 1, general power of competence, the Council has the power to do anything that an individual can do that is not specifically prohibited. The actions proposed in this Report fall within this power.

In addition, the Council in partnership with other organisations has powers to manage coast protection and to take measures against erosion and flooding.

The Council will need to enter into agreements with partners in respect of any flood and water retention works proposed, subject to Cabinet first granting a waiver of the Council's Contract Procedure Rules to permit this.

[KS-LDC-11527 7 November 2022]

9 Risk management implications

9.1 Failure to agree and progress the approach proposed could impact upon the council achieving its ambitions to address the climate and ecological emergency.

10 Equality analysis

10.1 Working with communities and increasing their resilience to flood, storm and drought events, through the delivery of NFM projects, contributes to improving their sense of safety and wellbeing.

11 Environmental sustainability implications

- 11.1 The council is committed to supporting measures to help arrest biodiversity losses, restore habitats and species and work for climate resilience to promote healthy and thriving communities. This is recognised in the NFM approach, where nature-based solutions build climate resilience and enhance and increase biodiversity and nature across Lewes district.

12 Contribution to Community Wealth Building

- 12.1 The Corporate Plan prioritises Sustainability and Community Wealth Building. The council is considered 'an anchor institution' and can use its substantial spending power and influence to drive investment in the local economy to enable a green economic recovery and local job creation and retention. Community wealth is a thread that runs through the overarching climate change and sustainability strategy particularly in relation to procurement but also training and skills.

13 Appendices

- Appendix 1 – Lewes District Council (LDC) Briefing: Natural Flood Management within the Ouse and Eastern Adur catchment
- Appendix 2 – 'Wilder Ouse, Vision & Targets'

14 Background papers

The background papers used in compiling this report were as follows:

- [OART. 2022. Natural Flood Management.](#)
- [Sussex Flow Initiative. 2022. Natural Flood Management Project. End of Year Report 2021/22.](#)
- [Sussex World. 2022. Haywards Heath primary school helping to prevent flooding in the district.](#)
- [National Trust. 2022. River Ouse at Sheffield Park.](#)
- [Natural Flood Management Measures: A practical guide for farmers and landowners of the Solent and South Downs.](#)

Appendix 1 Lewes District Council (LDC) Briefing: Natural Flood Management within the Ouse and Eastern Adur catchment

Lewes District Council's continued support of Nature Based Solutions to a climate resilient catchment. Current position and future.

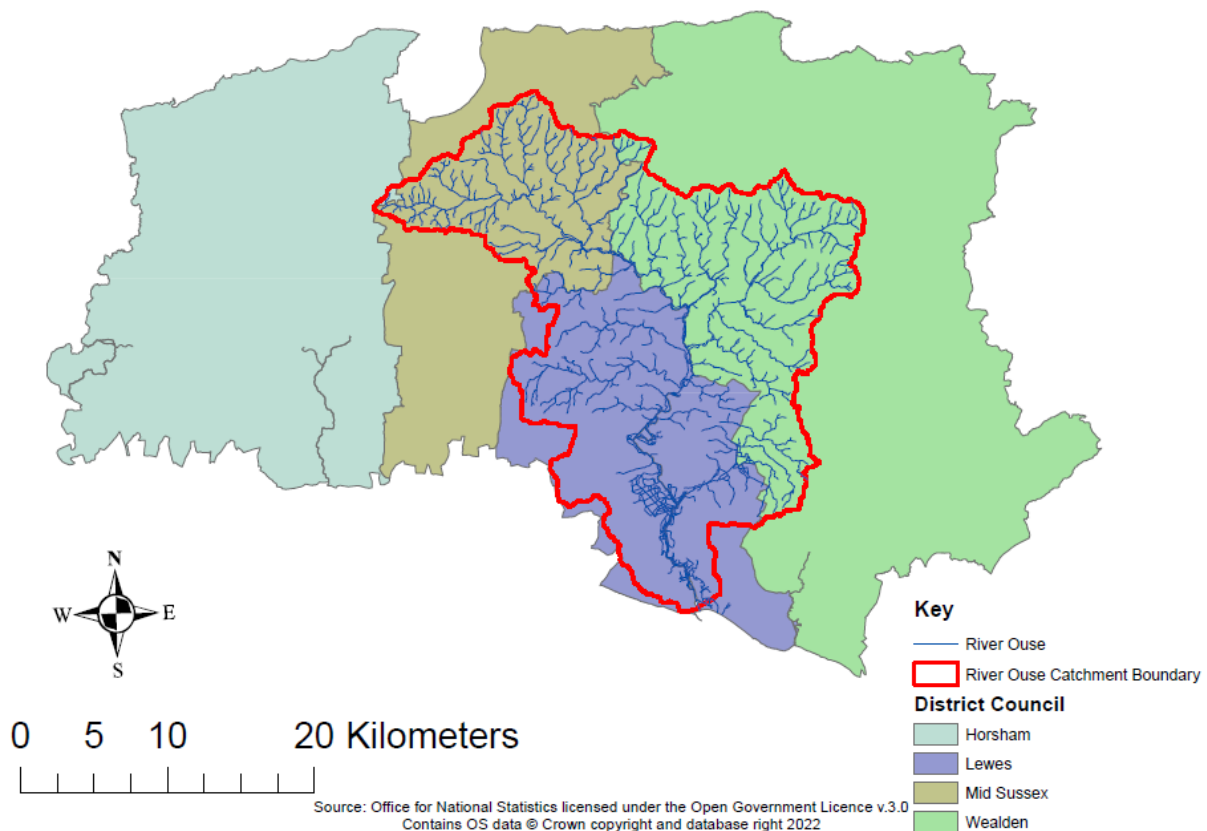
Introduction

LDC have been successfully working in partnership and delivering Natural Flood Management (NFM) projects with the Sussex Flow Initiative (SFI) and Ouse & Adur Rivers Trust (OART) since 2016.

This overview document builds upon the briefings presented in spring 2022 to Cabinet members for recycling, waste and open spaces and for sustainability, setting out the next steps for NFM in Lewes district, which encompasses the Ouse and Eastern Adur catchments.

We would like to expand the strategic context of the work being undertaken with stakeholders in the Ouse catchment, including the SFI and OART partnerships. The extent of the Ouse catchment is shown below.

River Ouse Catchment and District Council Boundaries



The approach going forward seeks to build upon the NFM work, and also support inter-linked projects such as habitat restoration, nature recovery and connectivity.

The strategic aims are to mitigate flood risk, improve water quality and availability and enhance biodiversity in the catchment area.

Many of these aims are achieved through NFM methods, some of which are below:

- Natural tree regeneration and hedge planting
- Ditch naturalisation
- Leaky woody dams
- Pond creation
- Swales/reconnecting rivers to flood plain
- Wetland creation

Background

Following Cabinet approval in 2016, LDC entered into a partnership with SFI and OART to deliver a range of initiatives to use natural processes to make space for water and thus reduce the risk of flooding in the Ouse Catchment. The present agreements end in March 2023. This paper sets out a proposal to take this important area of work forward, learning from our experience and adopting new and emerging ideas around climate resilience that align with this project and LDC's strategies and policies.

The SFI is a pioneering lowland Natural Flood Management project, working across the Ouse River catchment to reduce flooding by creating a climate resilient landscape. The SFI small team of experts work with communities and landowners to help people and wildlife to adapt better to extreme flooding and drought. The project is a collaboration between Sussex Wildlife Trust, the Woodland Trust, the Environment Agency, and Lewes District Council.

Sussex Flow Initiative uses a range of NFM techniques, to work with the natural landscape and natural processes to temporarily slow and store rain and flood water across the countryside. It lessens the flooding impact on people and infrastructure further downstream and increases the landscape's resilience to drought. The work that SFI undertakes creates additional benefits to society through carbon capture, by improving water quality, enhancing wildlife, engaging people with nature and restoring pollinator habitat etc.

SFI seeks to develop the approach to encompass wider outcomes reflective of climate change and the ecological crisis, delivering natural solutions, nature recovery and climate resilience at a catchment plus scale under the banner of 'Wilder Ouse' (see Appendix 2).

OART is a registered charity & member of the national Rivers Trust movement. Their aim is the protection and enhancement of two large rivers - the Adur and Sussex Ouse. They are the lead local organisation entirely focused on rivers and over the last 10 years they have delivered £5m of river habitat enhancements. As a grass roots organisation their aim is to involve as many people as possible. OART believe

that by working together, we can make our shared vision a reality: wild, healthy, natural rivers, valued by all.

LDC provides funding support for the SFI and OART, via payments to deliver specific outcomes each year. This comes to an end in March 2023.

Some of these outcomes and achievements are detailed below:

In 2021/2022 the SFI directly influenced through NFM measures 1,187 hectares of land through NFM projects, alongside providing advice to landowners on a total area of 3,328 hectares. The delivery of NFM projects over the year has led to a creation of water storage equivalent to 1,023,650 L per flood event. ⁱⁱ

The OART are delivering NFM projects across the Adur and Ouse catchments, and currently working in Ringmer, Wivelsfieldⁱⁱⁱ and with the Cuilfail community. Other projects they have helped deliver include the restoration of the River Ouse at Sheffield Park^{iv}, further information on the OART NFM projects are linked in the references.^v

Lessons Learned

In Winter 21/22 we reviewed NFM work and projects with OART and SFI. Drawing on the feedback, comments and ideas, LDC has reflected on how we continue to support and work with partners post-2023, and how this may be undertaken in a wider, strategic way.

Other reflections included, how we can build upon our partnership with OART, SWT, SFI, EA and others, and explore how we work with the Adur and Ouse Catchment Partnership, landowners, SDNPA, Farmers, Parish Councils, Southern Water, Southeast Water and others. We would also seek to widen partnership working where appropriate across the catchments.

Aligning with EA River Basin Management Plans could provide a framework to explore increasing biodiversity, reducing carbon footprints, as well as reducing the risk of flooding. Emerging farming and environmental management schemes will also influence projects and works, where they are possible and practicable across the Ouse Catchment.

There is a need to seek longer term funding for projects and working strategically and collaboratively with a range of partners and stakeholders.

Involving and working with landowners on projects opportunistically will be important. Also, how national agricultural land use policies and incentives may be integrated into this process.

From this feedback and reflection, LDC has developed aims and objectives, see below.

Strategic Aims

LDC seeks to continue support and delivery of NFM and wider linked projects, within the Eastern Adur and Ouse catchments and thus:

- Help to reduce flood risk through the delivery of NFM projects (not inclusive of coastal flood risk)
- Improve drought resilience (and climate resilience)
- Work with communities and increase their resilience to both flood, storm and drought events
- Enhance carbon sequestration
- Provide blue/green corridors for nature recovery and thus improve biodiversity
- Provide natural mechanisms for improving water quality

Objectives

- Continue to work in partnership and support organisations and groups across the Ouse and Eastern Adur catchment to deliver NFM projects
- Seek to work with the planning policy team, Lead Local Flood Authority (LLFA) and Highways to input comments into strategic planning documents and planning applications and influencing the developing Local Plan.
- Working within LDC's council policies and strategic frameworks and any future relevant strategies that may be developed over this period. Notable strategies include the Lewes district climate change and sustainability strategy and the LDC Biodiversity strategy.
- Developing with partners a portfolio of catchment and sub-catchment opportunities that could be used to seek funding either from public sources, charities and or private investment. Using LDC seed funding to develop these projects.
- Seek to establish a long-term stream of funding and investment – public and private. Building on above.
- Working with partners to utilize a (standard) carbon counting methodology to apply to projects, (a unified approach across the catchments) portfolio of projects proving quantifiable tonnes carbon storage (E.g. SELEP pilot), water, and water quality
- Continue our excellent work, but even more strategically and collaboratively across the catchments to ensure best deployment of skills and resources
- Working with partners to increase the involvement of landowners and local communities, to help raise trust, awareness, knowledge and education
- Working with partners who monitor water quantity and quality so that natural mechanisms implemented for improving water quality can be captured

What work and projects are existing and can be built on?

This is not an extensive list of work and projects but is reflective of some key areas of work in 2022.

- Cockshut Wetland Habitat Creation (SDNP/21/06027/FUL)
- Ringmer Community wetlands (LW/21/0427)
- Hoath Wood Meeching Valley Leaky Dams implementation
- River Ouse Restoration at Sheffield Park: Reconnecting the floodplain and improving river channel to reduce flood risk downstream
- Feasibility study into reconnecting the River Ouse at Anchor Gate
- Ouse Valley Climate Action: There are opportunities with the longer term NFM project to work with the Ouse Valley Climate Action programme and potential to align projects to these objectives.
- Emerging projects from the River Plans for Bevern Stream, Longford Stream and Chalk streams around Ringmer
- Wivelsfield emerging community resilience plan (e.g. raingardens, leaky dams)
- Lost Woods of the Low Weald and Downs project: Woodland Trust, SDNPA and High Weald AONB

Funding

LDC would look to provide baseline funding from April 2023 to 2028 to continue NFM and nature-based solution projects across the catchments delivered by partners.

LDC funding could then also be used to attract additional funding from other sources to maximize financial resources (e.g. through match funding). The funding would act as seed money to support initial work, but we would seek to have longer term funding streams in place from a range of public and private sources.

Funding Name	Comment
Local Levy (Regional Flood and Coastal Committees RFCC ^{vi})	Available to apply for in mid - summer and mid- winter annually
Grant in Aid	DEFRA
Water Environment Improvement Fund (WEIF) funding	EA
Community Infrastructure Levy (CIL)	
DEFRA Natural Flood Management Funding	DEFRA
Landscape Recovery Funding Options ^{vii}	DEFRA
Farming in Protected Landscapes ^{viii}	DEFRA. Programme runs until March 2024.

Examples of a selection of funding sources available are above, there are other funding opportunities available, not listed here. ^{ix} Partner organisations may have limitations on the funding streams they can apply for, which is why a strategic approach across organisations is required, so that funding opportunities can be maximized.

We would also explore other funding opportunities as they arise and support partners in strategic applications and bids for funding. **Next Steps and Longer-Term Plan**

We propose to continue developing this plan working and learning from others such as the Sussex Nature Partnership, Adur and Ouse Catchment Partnership, Sussex Bay, Wilder Horsham and universities etc.

The next steps of work would include:

- Work with partners and stakeholders to map and identify critical areas of importance and opportunities: map what has been achieved so far, understand what resources available. Explore other mapping techniques with partnership organizations, such as Water Yield Mapping. From this we could then develop a strategic plan which includes priority geographic areas for attention/focus, time-scales, and building longer term projects with targeted outcomes for delivery
- Developing a shared vision for the Ouse catchment (informed by mapping projects). This could include priority geographic areas for attention and build longer term projects with targeted outcomes for delivery.
- GAP Analysis- understand how we can meet aims and objective identified
- Continue to develop academic relationships with University of Brighton and Sussex University to quantify the benefit of reducing flood risk and focused research projects which would be beneficial across catchments. An example of this is working with the University of Brighton to host a 6-week student placement in early 2022, working on a project to identify opportunities for NFM projects within the Lewes District.
- Community engagement (working with partners to deliver): working with communities, raising awareness of flooding and flood risk, and improving community's knowledge. This could involve working with community flood groups. This could also include Citizen Science. We can look to work with the Ouse Valley Climate Action programme to align projects to these objectives.
- Working with partners to provide education and school engagement around NFM
- Align projects and work streams with River Basin Management Plans and develop this with partner organisations that work within the Ouse and Eastern Adur catchment
- Working with planning authorities and integrating project aims within local plans and building control

- Develop a project plan for the next 5 years
- Continue strategic approach together

Conclusions

These proposals have been discussed with senior officers and Lead members Cllr Julie Carr, Cabinet member for recycling, waste and open spaces and Cllr Matthew Bird, Cabinet member for sustainability and are presented to Cabinet, 8 December

ⁱ [SDNP, SFI & EA. 2020. Natural Flood Management Measures: A practical guide for farmers and landowners of the Solent and South Downs.](https://www.southdowns.gov.uk/wp-content/uploads/2021/07/SDNPA-Natural-Flood-Management-Measures.pdf) (https://www.southdowns.gov.uk/wp-content/uploads/2021/07/SDNPA-Natural-Flood-Management-Measures.pdf)

ⁱⁱ [Sussex Flow Initiative. 2022. Natural Flood Management Project. End of Year Report 2021/22.](http://www.sussexflowinitiative.org/uploads/1/6/3/1/16313516/sfi_eoy_report_21-22_final.pdf) (http://www.sussexflowinitiative.org/uploads/1/6/3/1/16313516/sfi_eoy_report_21-22_final.pdf)

ⁱⁱⁱ [Sussex World. 2022. Haywards Heath primary school helping to prevent flooding in the district.](https://www.sussexexpress.co.uk/news/people/haywards-heath-primary-school-helping-to-prevent-flooding-in-the-district-3711590) (https://www.sussexexpress.co.uk/news/people/haywards-heath-primary-school-helping-to-prevent-flooding-in-the-district-3711590.)

^{iv} [National Trust. 2022. River Ouse at Sheffield Park.](https://www.nationaltrust.org.uk/sheffield-park-and-garden/features/river-ouse-at-sheffield-park) (https://www.nationaltrust.org.uk/sheffield-park-and-garden/features/river-ouse-at-sheffield-park)

^v [OART. 2022. Natural Flood Management.](https://oart.org.uk/project/natural-flood-management/) (https://oart.org.uk/project/natural-flood-management/)

^{vi} <https://www.gov.uk/government/groups/southern-regional-flood-and-coastal-committee>. 2022.

^{vii} [Defra. 2022. Landscape-recovery-more-information-on-how-the-scheme-will-work](https://www.gov.uk/government/publications/landscape-recovery-more-information-on-how-the-scheme-will-work) (https://www.gov.uk/government/publications/landscape-recovery-more-information-on-how-the-scheme-will-work/landscape-recovery-more-information-on-how-the-scheme-will-work)

^{viii} [Defra. 2021. Get funding for farming in protected landscapes.](https://www.gov.uk/guidance/funding-for-farmers-in-protected-landscapes) (https://www.gov.uk/guidance/funding-for-farmers-in-protected-landscapes)

^{ix} [Catchment Based Approach. 2022.](https://catchmentbasedapproach.org/learn/find-funding-for-natural-flood-risk-management-projects/#:~:text=Local%20Levy%20(Regional%20Flood%20and%20Coastal%20Committees%20RFCC)&text=Funds%20are%20raised%20by%20a, and%20coastal%20erosion%20risk%20management) (https://catchmentbasedapproach.org/learn/find-funding-for-natural-flood-risk-management-projects/#:~:text=Local%20Levy%20(Regional%20Flood%20and%20Coastal%20Committees%20RFCC)&text=Funds%20are%20raised%20by%20a, and%20coastal%20erosion%20risk%20management).

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WILDER OUSE

VISION

To bring together people in the Sussex Ouse catchment to create a robust Nature Recovery Network, with restored ecological connectivity, ecosystem function and climate resilience.

Partnership Aims

1. Create resilience to climate change through Nature Based Solutions and Working with Natural Processes - working with others to recognise, protect, create and enhance natural capital throughout the catchment.
2. Work with landowners, managers and communities to deliver landscape scale collaborations which support and empower others to tackle big climate and biodiversity issues.
3. Advise and support regenerative landscape initiatives (such as regenerative agriculture), and develop visionary groups of collaborating landowners, working towards future proofing at a landscape scale.
4. Clearly map and present the Nature Recovery Network to Local Authorities, Parish Councils, local residents, landowners and other stakeholders so that it is universally recognised, protected and worked on collaboratively.

Ways of working

Over the next 5 years, the Wilder Ouse project will expand its core partnership by inviting other stakeholders to be active in its work - including Mid Sussex and Wealden District Councils, South Downs National Park Authority, Forestry England and appropriate Water Companies. We will engage with existing and emerging climate, biodiversity and landscape scale initiatives and will work collaboratively with Farmer Clusters. This includes aligning appropriate workstreams and technical expertise with the Weald to Waves initiative, taking a lead role on Parish and landowner liaison within the Ouse catchment and working with key partners such as Ashdown Forest Conservators and Wakehurst Place (Kew). We will collaborate on species co-existence programmes, and on the appropriate restoration of ecosystem engineers.

The project will collectively establish target areas and sub catchments upon which to focus our delivery work, including where to engage and link on Wilder Ouse and Environment Agency / Lewes District Council / Woodland Trust / Ouse & Adur Rivers Trust & Water Company (Catchment Sensitive Farming) delivery. The partnership will support the strategic work of each of its partners including linking to the LDC Climate Change and Sustainability Strategy, (Natural) Flood Management Plans and Biodiversity Strategy, Ouse Valley Climate Action project, Lost Woods of the Low Weald project, strategic landscape planning with the Woodland Trust, and finding new ways of working with the Environment Agency on Climate change and Flood Risk. We will work with Sussex Wildlife Trust to embed and articulate the work that the Wilder Ouse project delivers in their wider Vision, Climate Strategy & Nature Recovery strategies.

Over the next 5 years we will work with research institutions to expand our ability to accurately identify and quantify key natural capital outputs of the project. This includes incorporating existing and emerging science on carbon benefits of the natural regeneration of trees and scrub, new learning on carbon and methane benefits / dis-benefits of key habitat restoration work, and more accurate figures on likely flood storage capacity of our Natural Flood Management interventions. We will work with national institutions such as Natural England as they develop their work on SSSI resilience to Climate change and identifying habitat adaptation potential i.e. Floodplain Wetland Mosaics (as a replacement for Coastal Floodplain Grazing Marsh).

We will develop a means of annually monitoring the carbon footprint of the project, and evaluate the capacity of Wilder Ouse to reduce or eliminate its own carbon footprint, whilst adding value to a means of offsetting this.

Five Year Targets for Wilder Ouse	
Habitat Delivery and Nature Based Solutions	
Hectares of natural regeneration of trees support (& carbon impacts thereof)	Monitor and report
Report on the carbon storage of WO interventions	Monitor and report
Support the appropriate planting of trees	20,000
Restore priority habitat including meadows, wetlands and woodlands.	30 ha
Create additional natural water storage in the catchment	20,000,000 litres
Reconnect floodplain	3ha
Develop case study sites/projects for restoration of natural processes, the recovery of ecosystem engineers and the creation of more naturalistic and Wild habitats. Including at least one hybrid NFM/Flood risk & Climate change project with EA	3
Support the restoration of at least one breeding pair of beavers to the catchment (as a source population for catchment scale restoration).	1
Develop joint restoration guidance and wet woodland targets with Woodland Trust	Monitor and report
Store habitat based carbon for climate mitigation	10,000 tonnes p.a.
Strategic and Catchment Scale	
Provide expert technical advice to landowners	5,000 acres
Produce strategic catchment reports on Beaver feasibility, Nature Recovery Networks, Climate Resilience and Nature Based Solutions, Species / Habitat resilience + 1 other	5
Inspiring and Engaging the Community	
Develop a trained team of volunteers contributing to project monitoring	20+
Upskill a team of volunteers, professionals and contractors	20+
Generate at least 2 media posts p.a. for each partner of the project	10
Wild Woodlands leaky dam workshops for Lost Woods of the Low Weald	2
Hours of volunteer contribution	1000+
Community/Stakeholder groups engaged with	30+
Engage with all parish councils on existing W2W route, and Parish Councils on proposed source to sea Ouse W2W extension corridor	100% and 80%
Media and social media reach p.a.	50,000
Added Value	
Attract funding from grant sources or new partners over the next 5 years.	£50,000
Attract 'in kind' funding	£50,000
Follow up surveys to landowners of key sites to review impact	Minimum 5

Additional Outputs

In addition to the above the project will deliver the following outputs:-

1. Soil carbon / health and habitat carbon monitoring / restoration principles in line with national guidelines.
2. Mapping if / where a potential source to sea link route for the Weald to Waves corridor exists / is viable in the Ouse catchment.
3. Interpretation and mapping of Lewes District, showing important landscape and natural capital features, and landscape influences (such as sub catchments flowing into and out of the District).
4. Working with SxBRC, produce a species diversity assessment / resilience report for the catchment.
5. Agro-forestry / Silvo pasture guidance for the catchment and cluster farms with partners.
6. A method for monitoring how and where we have restored or enhanced ecological connectivity.
7. An evaluation of our EDI, social impact and/or behavioural change relating to our work
8. Ongoing reporting on Water Framework Directive delivery

Partnership

Wilder Ouse is a formal partnership, housed and managed by Sussex Wildlife Trust and currently funded by Lewes District Council, independent grant sources & the Woodland Trust.

The Environment Agency participate in the Steering group. Informal partners include the Ouse & Adur Rivers Trust, Catchment Sensitive Farming Officers / South East Water, Wealden and Mid Sussex District Councils, County Councils, and other projects such as Ouse Valley Climate Action. Project partners may be added and removed depending on current projects, work themes, funding and grant sources.

Previous re-iterations of the Sussex Flow Initiative and TrUck have been funded by other grants and stakeholders including the Environment Agency.

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