

# Cabinet

## 14 December 2022



Working in partnership with **Eastbourne Homes**

### Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

### Membership:

**Councillor David Tutt (Chair); Councillors Stephen Holt (Deputy-Chair)  
Margaret Bannister, Peter Diplock, Alan Shuttleworth and Colin Swansborough**

### Quorum: 3

*Published: Tuesday, 6 December 2022*

## Agenda

**1 Minutes of the meeting held on 2 November 2022 (Pages 5 - 10)**

**2 Apologies for absence**

**3 Declaration of members' interests**

**4 Questions by members of the public**

On matters not already included on the agenda and for which prior notice has been given (total time allowed 15 minutes).

**5 Urgent items of business**

The Chairman to notify the Cabinet of any items of urgent business to be added to the agenda.

**6 Right to address the meeting/order of business**

The Chairman to report any requests received to address the Cabinet from a member of the public or from a Councillor in respect of an item listed below and to invite the Cabinet to consider taking such items at the commencement of the meeting.

**7 Cost of Living Update (Pages 11 - 16)**

Report of Deputy Chief Executive and Director of Regeneration and Planning  
Lead Cabinet member: Councillor David Tutt

**8 Corporate performance - quarter 2 - 2022/23 (Pages 17 - 50)**

**Part A - Portfolio Progress and Performance**

Report of Chief Finance Officer

Lead Cabinet member: Councillor Colin Swansborough

## **Part B - Financial Performance**

Report of Chief Finance Officer

Lead Cabinet member: Councillor Stephen Holt

### **9 Local Council Tax Reduction Scheme 2023/24 (Pages 51 - 192)**

Report of Director of Service Delivery

Lead Cabinet member: Councillor Alan Shuttleworth

### **10 Council tax and business rate base 2023/24 (Pages 193 - 200)**

Report of Chief Finance Officer

Lead Cabinet member: Councillor Stephen Holt

### **11 Eastbourne Carbon Neutral 2030: Annual Report (Pages 201 - 236)**

Report of Deputy Chief Executive and Director of Regeneration and Planning

Lead Cabinet member: Councillor Colin Swansborough

### **12 Planning Local Validation List (Pages 237 - 288)**

Report of Deputy Chief Executive and Director of Regeneration and Planning

Lead Cabinet member: Councillor Colin Swansborough

## **Information for the public**

### **Accessibility:**

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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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:**

Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

## **Democratic Services**

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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Working in partnership with **Eastbourne Homes**

## Cabinet

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 2 November 2022 at 6.00 pm.**

### **Present:**

Councillor David Tutt (Chair).

Councillors Stephen Holt (Deputy-Chair), Margaret Bannister, Peter Diplock, Alan Shuttleworth and Colin Swansborough.

### **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), Jo Harper (Head of Business Planning and Performance), Ola Owolabi (Deputy Chief Finance Officer - Corporate Finance), Leigh Palmer (Head of Planning First), Simon Russell (Head of Democratic Services) and Kate Slattery (Solicitor).

### **Also in attendance:**

Councillor Penny di Cara (Opposition Deputy Leader), Councillor Kshama Shore OBE (Shadow Cabinet Member) and Councillor Robert Smart (Opposition Leader).

### **21 Minutes of the meeting held on 13 July 2022**

The minutes of the meeting held on 13 July 2022 were submitted and approved and the Chair was authorised to sign them as a correct record.

### **22 Apologies for absence**

None were reported.

Councillor Tutt welcomed Councillor Diplock to his first meeting of the Cabinet, following his appointment. Councillor Diplock portfolio title was Cabinet member for disabilities and community safety, replacing Councillor Whippy. Thanks were expressed to Councillor Whippy for all her achievements and work she had undertaken under that portfolio during her time on Cabinet.

### **23 Declaration of members' interests**

None were declared.

### **24 Corporate performance - quarter 1 - 2022/23**

The Cabinet considered the report of the Chief Finance Officer and Deputy

Chief Executive/Director of Regeneration of Planning, updating members on the Council's performance against Corporate Plan priority actions, performance indicators and targets for the first quarter of the year 2022-23.

Thanks were conveyed to officers for their performance and achievements during the quarter. Detailed commentary on those performance indicators that were currently below target was detailed in the report. Part B of the report detailed the Council's financial performance for the same Quarter. Cabinet advised that the data contained in the report was now dated (1 April-30 June 22) and that the second quarter, to be considered in December, would better reflect the Council's current performance.

Visiting members, Councillors Shore and Di Cara addressed the Cabinet on this item. Following questions raised, the Director of Service Delivery updated Cabinet and visiting members on the functionality of the newly implemented ELLIS Chatbot digital assistant. The Cabinet also echoed concerns raised around fly-tipping and advised that this would be relayed back to East Sussex County Council, following their change in policy on charging at waste tips.

**Resolved (Non-key decision):**

(1) To note the achievements and progress against Corporate Plan priorities for 2022-23, as set out in Part A of the report.

(2) To note the General Fund, HRA and Collection Fund financial performance for the quarter, as set out in Part B of the report.

**Reason for decision:**

To enable Cabinet members to consider specific aspects of the Council's progress and performance.

**25 Draft Medium Term Financial Strategy 2023/24-2026/27**

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

Visiting member, Councillor Smart, addressed the Cabinet on this item. Following points raised, Councillor Holt agreed to meet with Councillor Smart following the meeting regarding presentation and a breakdown of pay related costs.

Councillor Holt, in his presentation of the report, advised that a more suitable title of the report would be "Interim Medium Term Financial Strategy", to reflect the council's current position and work being undertaken in the finance and audit teams.

The report detailed the significant uncertainty in terms of future financial settlements for local government. Cabinet urged cross-party support to

continue lobbying central government for a proper settlement. Local authorities would continue to plan should no further funding be made available.

**Resolved (Key decision):**

(1) To note the updated MTFS forecasts and the requirement to identify additional savings of £2.6 million 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 £1.9 million of savings are required to balance the 2023/24 budget; and

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

**Reason for decisions:**

The report provides Cabinet with an 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.

**26 Recovery and Stabilisation Programme**

The Cabinet considered the report of the Chief Executive, updating them on the progress of the Recovery and Stabilisation Programme.

Achievements of the programme to date were set out at section 2 of the report. Thanks were conveyed to the work of the cross-party Recovery and Stabilisation Member Board, which meets on a quarterly basis.

**Resolved (Non-key decision):**

To note the progress made with the Recovery and Stabilisation Programme.

**Reason for decision:**

The Recovery and Stabilisation programme provides a structured and accountable approach for delivering the level of significant organisational change needed to respond to current and future challenges.

**27 Local Development Scheme 2022-2025**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their endorsement of the Local Development Scheme 2022-2025, in order to allow formal adoption at Full Council on 16 November 2022.

**Recommended to Full Council (Budget and policy framework):**

(1) Cabinet recommends to Full Council that the Eastbourne Local Development Scheme 2022-2025 as set out at Appendix 1 to the report be adopted at the Full Council meeting on 16 November 2022.

(2) That delegated authority is given to the Director of Regeneration and Planning in consultation with the Cabinet Member for Climate Change, Heritage Assets, Place Services and Special Projects to make minor and technical updates to timetables within the Local Development Scheme where necessary.

**Reason for decisions:**

(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.

(2) To ensure that the Local Development Scheme can be kept up to date without needing to bring minor amendments back to Full Council.

**28 Eastbourne Local Plan - Growth Strategy Consultation**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their approval to publish the Eastbourne Local Plan Growth Strategy for public consultation between 11 November 2022 and 20 January 2023. The Cabinet urged all to participate in the consultation process, to ensure their views were captured.

Thanks were conveyed to the Planning department for their work in producing the document.

Visiting member, Councillor Smart, addressed the Cabinet on this item.

Following comments made, it was stated that central government would continue to be lobbied on their excessive and unachievable housing targets for Eastbourne (738 net additional homes per year).

**Resolved (Key decision):**

(1) To approve the publication of the Eastbourne Local Plan Growth Strategy Consultation (Appendix 1) for public consultation between Friday 11th November 2022 and Friday 20th January 2023;

(2) To delegate authority to the Deputy Chief Executive and Director of Regeneration & Planning, in consultation with the Cabinet Member for Climate Change, Place Services and Special Projects, to make any necessary editorial changes and minor amendments to the consultation document and supporting evidence prior to publication if necessary.



**Reason for decisions:**

(1) To meet the requirements of Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) in the preparation of a Local Plan.

(2) To ensure that any minor or typographical errors can be corrected prior to the Local Plan Growth Strategy Consultation being published for consultation.

The meeting ended at 6.56 pm

Councillor David Tutt (Chair)

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<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>14 December 2022</b>
<b>Title:</b>	<b>Cost of Living Update</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning</b>
<b>Cabinet member:</b>	<b>Councillor David Tutt, Leader of the Council and Chair of Cabinet</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To update Cabinet on steps taken to support residents through the cost of living crisis.</b>
<b>Decision type:</b>	<b>Non-Key</b>
<b>Officer recommendation(s):</b>	<b>To note the progress of measures taken to support residents through the cost of living crisis.</b>
<b>Reasons for recommendations:</b>	<b>The Council has committed to a range of ongoing measures which are supporting residents and organisations across the borough.</b>
<b>Contact Officer(s):</b>	<b>Name: Seanne Sweeney Post title: Community Services Lead E-mail: <a href="mailto:Seanne.Sweeney@lewes-eastbourne.gov.uk">Seanne.Sweeney@lewes-eastbourne.gov.uk</a> Telephone number: 01273 085630</b>

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## **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 May 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.
- 1.3 It was also agreed that, along with some broader actions in response to the pandemic, a cost of living emergency fund be established. This £250,000 fund would broadly support priorities including food, fuel and accommodation at a number of pinch points across the year.

## **2 Council initiatives to date**

- 2.1 The Council Tax Reduction scheme is available to households on benefits or low incomes, with Exceptional Hardship payments (EHP) accessible to those who receive a Council Tax Reduction, but still struggle to make their payments.
- 2.2 Additionally, Discretionary Housing Payments – the budget for which has decreased by approximately £100k this financial year – have been available to those who are eligible and potentially facing eviction, with over 220 awards confirmed at the time of writing, meaning this will be exhausted before Christmas. As a continued demand is expected, the Council has written to Government requesting that the fund be replenished as a matter of urgency.
- 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. December’s edition will incorporate a supplement on help and advice through the cost of living crisis.
- 2.4 A councillor-led, cross-departmental Cost of Living Working Group has been meeting monthly since July and brings together lead officers and Cabinet members to ensure an informed and cohesive response. This group has so far fed into the cost of living communications strategy, strengthened connections with key voluntary sector partners and instigated the uptake day described below. The working group will continue to meet as the Council works to design and deliver help for residents most in need.
- 2.5 In September the Council held a Household Support Fund (HSF) uptake day for local pensioners at the Town Hall. The event was extremely well attended and resulted in the allocated funds being awarded to pension-age residents. Officers are now working through applications for the third round of the HSF as well as exploring other options to best support residents in need.
- 2.6 The Cost of Living Working Group referenced above has also led to a new action group focussed on increasing benefit uptake across the town. Cabinet members and officers meet with key voluntary sector partners including Food Bank and Citizens Advice to develop and drive an increase in residents claiming support to which they are entitled. Implementation of a communications strategy around accessing entitlements is underway, with the aim of increasing reach across the Borough.

## **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 facing local people. In light of the urgency of this crisis, the Council made an initial payment of £20,000 to Eastbourne Food Bank to ensure availability of food for those in immediate need.
- 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. Applicants have signed up to the

Council's Warm Space Principles and are included in the Warm Spaces directory which is available on the website. To date 19 grants have been given to Warm Space schemes and a borough-wide directory is maintained and available on the website.

- 3.3 In addition to Warm Spaces, the grant programme sought applications from projects and groups focussed on food resilience, advice provision (including debt & welfare), tackling digital exclusion and support for schools. To date upwards of £130,000 has been awarded to local initiatives including specialist money and homelessness advice, new and existing community fridges and help for schools going above and beyond to help struggling families through activities including breakfast clubs and uniform banks. A list of initiatives in receipt of a grant can be found at Appendix 1.

#### **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 These proposals are in line with the corporate pledge to promote inclusion and address deprivation through working with local charities or CIC's.

#### **6 Financial appraisal**

- 6.1 There are no new financial implications arising from this report. The Council initiatives to date include the establishment of a cost of living emergency fund (i.e., £250k) to broadly support various priorities including food; availability of the Council Tax Reduction scheme to households on benefits or low incomes; discretionary housing payments being made available to those who are eligible; the Household Support Fund (HSF); Warm Spaces; support for the voluntary sector; etc.

*Deputy Chief Finance Officer (Corporate Finance) 15.11.22*

#### **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 16.11.22*

*Legal ref: 011580-EBC-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 Appendices**

- Appendix 1 – Grants to date

## **11 Background papers**

None

## **Appendix 1: Grants to date**

### Warm Spaces - £53,900

- |                             |  |
|-----------------------------|--|
| 1. Seaside Community Hub    | 10. Matthew 25 Mission                         |
| 2. Volunteers Network CIC   | 11. Gateway Christian Church                   |
| 3. TechResort               | 12. St Richards Church - FF                    |
| 4. Kingdom Way Trust        | 13. The Parish of Hampden Park and the Hydneye |
| 5. The Salvation Army       | 14. Trees Community Association                |
| 6. Living Life (Eastbourne) | 15. Bridgemere Community Centre                |
| 7. St Elizabeth's Church    | 16. Victoria Baptist                           |
| 8. St Elizabeth's Church    | 17. Age Concern                                |
| 9. JPK                      |  |

### Support for Schools - £7,000

- |                       |                    |
|-----------------------|--------------------|
| 1. Shinewater Primary | 5. St Catherine's  |
| 2. The Haven          | 6. Turing          |
| 3. Langney Primary    | 7. Gildredge House |
| 4. Tollgate Primary   |                    |

### Food Resilience - £46,500

- |                            |                                |
|----------------------------|--------------------------------|
| 1. Food Bank               | 5. Defiant Sports              |
| 2. Seaside Community Hub   | 6. Trees Community Association |
| 3. St Elizabeth Church     | 7. Langney Larder              |
| 4. Our Neighbourhood       | 8. Matthew 25 Mission          |
| 5. Victoria Baptist Church |                                |

### Advice & Digital Exclusion - £43,500

- |                        |                            |
|------------------------|----------------------------|
| 1. Citizens Advice     | 6. CAP Debt Centre         |
| 2. Networx             | 7. BHT                     |
| 3. Wave Community Bank | 8. Money Advice Plus       |
| 4. Emmanuel Church     | 9. Tubbs Computer Supplies |
| 5. All Souls Church    | 10. TechResort             |

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# Agenda Item 8

<b>Body:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>14 December 2022</b>
<b>Subject:</b>	<b>Corporate Performance Quarter 2 2022-23</b>
<b>Report of:</b>	<b>Homira Javadi, Chief Finance Officer</b>
<b>Cabinet member:</b>	<b>Councillor Colin Swansborough, Cabinet member for climate change, place services and special projects</b>  <b>Councillor Stephen Holt, Cabinet member for financial services</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of the report:</b>	<b>To update Members on the Council's performance against Corporate Plan priority actions, performance indicators and targets for the second quarter of the year 2022-23.</b>
<b>Decision type:</b>	<b>Non Key</b>
<b>Recommendation:</b>	<b>Cabinet is recommended to :</b>  <b>i) Note the achievements and progress against Corporate Plan priorities for 2022-23, as set out in Part A of this report.</b>  <b>ii) Note the General Fund, HRA and Collection Fund financial performance for the quarter, as set out in Part B of the report.</b>
<b>Reasons for recommendations:</b>	<b>To enable Cabinet members to consider specific aspects of the Council's progress and performance.</b>
<b>Contact:</b>	<b>Luke Dreeling: Performance Lead</b> <b>Tel: 07525 351757 or email:</b> <b><a href="mailto:luke.dreeling@lewes-eastbourne.gov.uk">luke.dreeling@lewes-eastbourne.gov.uk</a></b>

## **1.0 Consultation**

- 1.1 The priority themes in the Corporate Plan were developed in consultation with residents. Following the refresh of the Corporate Plan at Full Council in May 2022, a summary of achievements to date relating to the previous period of the plan (2020-2022) is sent out in appendix 2 of this report.

## **2.0 Solution Sprints**

- 2.1 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

## **3.0 Financial appraisal**

- 3.1 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 as there is a clear link between performance and budgets/resources.

- 3.2 All the financial implications are contained within the body of the report.

## **4.0 Legal implications**

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

## **5.0 Equality analysis**

- 5.1 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.

## **6.0 Conclusion**

- 6.1 This report provides an overview of performance against the authority's priority actions and indicators for 2022-23.

## **Appendices**

### **Part A - Portfolio Progress and Performance**

Appendix 1 – Q2 Performance Overview

### **Part B – Financial Performance**









Appendix 1 – Housing Revenue Account

Appendix 2 – Capital Programme











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Appendix 1

## Eastbourne Borough Council Corporate Performance Report Q2 2022-23

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











## KPIs

KPI Description	Annual Target 2022/23	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Target	Status		Short Trend
1. Finance: Percentage of Council Tax collected during the year - Eastbourne	96.80%	28.22%	54.97%	55.53%			The collection rate was not achieved, falling slightly (0.56%) below target. The improvement is mainly attributable to £408,300 unclaimed Council Tax Energy Rebate payments that were allocated to 2,700 Council Tax accounts in September. Payments were automatically allocated to ensure residents didn't miss out on this financial assistance as the scheme closed on 30 <sup>th</sup> September.
2. Finance: Percentage of Business Rates collected during the year - Eastbourne	97%	34.14%	57.99%	54.78%			The collection rate has exceeded target by 3.21% 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. Benefits: Average days to process new claims for housing/council tax benefit	22	28	25	22			The pressure on the team from managing the various government schemes along with the work that is going into the system migrations has continued to impact on performance.  A further factor is the number of people in temporary accommodation as it takes longer to gather the information needed to process these type of claims. Homes First have an officer dedicated to assisting these claims.  Additional temporary resources have been brought in to help with the support schemes which along with the resource in Homes First should lead to a better performance in the third quarter.
4. Benefits: Average days to process change of circs (housing/council tax benefit)	6	8	12	6			The team are still having to assist with the various government schemes to support the most vulnerable. We have now prioritised working on changes in circumstances which should lead to an improved performance in Q3.
5. Customers: Increase the percentage of calls to the contact centre answered within 60 seconds	80%	23.44%	18.6%	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 18.6% of all calls being answered within 60 Seconds – this was a 4.84% decrease from Quarter 1's 23.44%.  The average speed of answer was 11min 20sec in Q2 – this was a 191 second increase from Q1's 8min 09sec.  Although there was a slight drop in the overall volume of calls received when compared to the previous Quarter, around 200 over the 3 months, 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

KPI Description	Annual Target 2022/23	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Target	Status		Short Trend
							<p>Authorities such as Energy Rebates and Household Support funds, as well as signposting to other 3<sup>rd</sup> 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>During the 2<sup>nd</sup> Quarter, we saw 7FTE leave the Customer Contact team both internally and externally, with only 3 New Starters joining us to begin their training; this was in addition to those who were already in training but were going solo during the month of September. As we enter Quarter 3, we will see a further 3FTE leave Customer Contact and an additional 3 New starters join us who will undertake their 8 – 12-week training, leaving a 10FTE vacancy to be filled. Ongoing recruitment is taking place, with an advert due to close at the end of October, where internal conversations are continuing to take place on how we can widen our reach to the public and drive up interest. In the meantime, Customer Contact will continue to explore the use of Agency Staff to cover some of the low-impact and less complex work, so that our trained members of staff can deal with the more complex contact from residents and customers needing support. Our focus, as always, remains on balancing the need to answer calls as quickly as possible, coupled with ensuring that all customers and residents receive the assistance they need and leave the call with as much information and support available without having to make repeat contact or continuing to face financial and challenging hardship alone.</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. Customers: Reduce the numbers of abandoned calls to the contact centre - Ebn	5%	27.49%	34.63%	5%			Please see above comment
7. Housing: Number of households living in emergency (nightly paid) accommodation	Data only	169	207	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.
8. Customers: Number of new sign-ups to the Councils' social media channels	650	631	611	162.5			The number of new followers of the council's social media profiles continues to grow, with Q2 2022-23 being 151 greater than Q2 2021-22 (460).
9. Customers: Number of people registering for our email service (GovDelivery)	2,000	1,532	1,315	500			PI continues to achieve target.

KPI Description	Annual Target 2022/23	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Target	Status		Short Trend
10. Customers: Percentage of local searches that are returned within 10 working days of receipt	80%	100%	99.68%	80%			Q2 performance above target. 315 out of 316 local searches returned within 10 working days.
11. Growth: Town centre vacant retail business space	11.8%	10.17%	9.24%	11.8%			Town Centre vacancy reporting for the quarter two, ending 30 September 2022 was 9.24%, an improvement on quarter one returning 10.17% and below national reporting of 11.2% as at June 2022. 19 new businesses opened in the last quarter including five in The Beacon, three in the Enterprise Centre, as well as, other locations in the town centre.
12. Housing: Average void relet time key to key (month & YTD)	20.0	48.4	53.3	20.0			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.
13. Housing: DFGs - Time taken from council receiving a fully complete application to the council approving the grant	14 days	4 days	6 days	14 days			Performance continues to achieve target, keeping a positive trend from 2021/22.
14. Housing: Number of Licensed HMO's Inspected per Quarter	50 (12.5 Quarterly)	4	16	12.5			Significant improvement made from the previous two quarters, which now puts us on target. In Q1 we had one Officer, but in August we were able to recruit 2 Agency staff for 6 months, 1 for HMO inspections and 1 for Private Housing Service requests.
15. Housing: Rent arrears of current tenants (expressed as a percentage of rent debit)	3%	3.44%	3.5%	3%			Rent arrears are 0.50% below target. Arrears overall compared to the same period last year has reduced by £39,169.  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.  There are currently 3 vacancies in Rents team and we are in the process of recruitment.
16. Planning: Increase the percentage of Major Planning Applications processed within 13 weeks	65%	80%	80%	65%			Continues to achieve target.
17. Increase the percentage of minor planning applications processed within 8 weeks	75%	85%	85%	75%			Continues to achieve target.
18. Increase the percentage of other planning applications processed within 8 weeks	75%	85%	84%	75%			Continues to achieve target.
19. Recycling & Waste: % Container Deliveries on Time (SLA)	99%	79.29%	81.2%	99%			Q2 sees a continued improvement, with the target of 5 days being extended to 10 days with the exception of Sept where there were service vehicle breakdowns.  <b>Total bins delivered = 851</b>



KPI Description	Annual Target 2022/23	Q1 2022/23	Q2 2022/23			Latest Note	
		Value	Value	Target	Status		Short Trend
							Bins delivered on time: <ul style="list-style-type: none"> <li>July = 100% (298 bins)</li> <li>Aug = 100% (318 bins)</li> <li>Sept = 31.9% (310 bins)</li> </ul>
20. Recycling & Waste: Missed Assisted Collections	1%	0.14%	0.11%	1%			Q2 performance has achieved the target and consistent with previous quarters.
21. Recycling & Waste: Number of missed bins (per 100,000)	100	33	71	100			Q2 (71) is within target and comparable to the same period in the previous year (78). <ul style="list-style-type: none"> <li>July = 85</li> <li>Aug = 68</li> <li>Sept = 61</li> </ul>
22. Recycling & Waste: Percentage of household waste sent for reuse, recycling and composting	45.00%	40.13%	40.13%	45.00%			Holding figure from Q2 until data from ESCC comes in. Q1 data updated. <ul style="list-style-type: none"> <li>April = 37.55%</li> <li>May = 41.40%</li> <li>June = 41.26%</li> </ul> 39.87%, Q1 2021/22 Data for comparison as Q2 Data has not yet be ratified. EBC is starting to see improvement in its recycling rate since the introduction of alternate weekly refuse collection, with may being the highest so far.
23. Recycling & Waste: Total number of reported fly-tipping incidents	480	194	128	120			Reported incidents breakdown: July 20, Aug 48 and Sep 60. Hotspot wards: Devonshire, Hampden Park and Langney.
24. Staff: Average days lost per FTE employee due to sickness (J)	8.0 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 for Covid-19 (those staff reporting symptoms) for Q2 was 42 which is a slight increase of 2 from Q1. The figure of 1.67 days for Q2 means we remain on track to meet our annual target of 8 days per annum.

KPI Description	Annual Target 2022/23	Q1 2022/23	Q2 2022/23				Latest Note
		Value	Value	Target	Status	Short Trend	
							<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>

## Projects

Project / Initiative	Description	Target completion
Winter Garden Improvements	Phase 1 is complete. Phase 2 work in design/planning stage (comprises new façade and refurbishment of South Pavilion).	Q3 2022/23
Sovereign Centre Review	Under review/Ongoing	To be confirmed
Hampden Retail Park	The acquisition and development of Hampden Retail Park as part of the Property Acquisition and Investment Strategy (PAIS).	Ongoing. Phase 1 ended March 2022.

## Devolved ward budget scheme 2022/2023 – Summary by ward to end of Quarter 2 (1 April – 30 September 2022)

Ward	Project	Description	Project Spend to Date
Devonshire	Devonshire Collective partnership project	To support 'Together', a community partnership between 'Devonshire Collective' and 'Take the Space' to kit out a space in the former TJ Hughes building for free cultural activities for Eastbourne residents, particularly for the most disadvantaged communities.	£500.00
<b>Total spend to end of Quarter 2</b>			<b>£500.00</b>
Hampden Park	Tree protection	Tree protection measures, including cages to trees to help stop damage (as damage has been stopped this way in other areas)	£1,470.00
<b>Total spend to end of Quarter 2</b>			<b>£1,470.00</b>
Langney			
<b>Total spend to end of Quarter 2</b>			<b>£0.00</b>
Meads	St Johns Church Jubilee BBQ	To help St John's Church put on a Jubilee BBQ for residents.	£1,011.24
	360 Camera Vision for Eastbourne	To help buy a 360 camera for use by a number of different Eastbourne community projects.	£456.00
<b>Total spend to end of Quarter 2</b>			<b>£1,467.24</b>
Old Town	Bridge repair in Motcombe Gardens	Internal funding for repairs to the bridge in Motcombe Gardens.	£400.00
	Bulb and flower planting	Bulb and flower planting at various sites around the ward, with support from Victoria Baptist Church.	£100.00
	Summer holiday breakfast club	To support a breakfast club scheme run by the Victoria Baptist Church during summer holidays	£200.00
	Ocklynge School SEND garden	To create a SEND garden for the school.	£400.00
<b>Total spend to end of Quarter 2</b>			<b>£1,100.00</b>
Ratton			
<b>Total spend to end of Quarter 2</b>			<b>£0.00</b>

Ward	Project	Description	Project Spend to Date
St Anthony's			
<b>Total spend to end of Quarter 2</b>			<b>£0.00</b>
Sovereign			
<b>Total spend to end of Quarter 2</b>			<b>£0.00</b>
Upperton	Hanging baskets	Funds to Eastbourne Allotments to provide hanging baskets for Crown Street	£239.77
	Cordless drill for Grow Eastbourne	To provide a cordless drill for use by the volunteer group, Grow Eastbourne	£70.00
	Planting for Eastbourne Station	Planting for Eastbourne Station	£250.00
<b>Total spend to end of Quarter 2</b>			<b>£559.77</b>

<b>Number of schemes to end of Quarter 2</b>	<b>11</b>
<b>All wards total spend to end of Quarter 2</b>	<b>£5,097.01</b>

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## Part B

### Financial Performance Q2 2022/23

#### 1 Introduction

- 1.1 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.
- 1.2 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>

- 1.3 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. The council cannot singlehandedly resolve these complex and national level issues. 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.
- 1.4 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. Therefore, there might be a need for various authorities including this Council to lobby the Government for additional supports.
- 1.5 Another critical issue for the council is that its capital projects are facing an uncertain future due to the increase in material costs. It is too early to have a clear view of the impact of the inflationary pressures while the assumption is that stand-alone projects that are already in-progress will be delivered as planned but that future projects that have not yet started may need to be re-evaluated. In the same way households are

struggling with rising costs, it is also becoming more and more expensive for the council to provide the services that people need. This comes at a time when the Council's budgets are already under immense strain, with savings already required due to the impacts of austerity and the pandemic.

- 1.6 Through the Priority Based Budgeting approach, each area of the Council's expenditure was scrutinised, and a range of ongoing budget reduction options were prepared for members' consideration. Some of the proposals will deliver a level of budget reduction in the current financial year, whilst others will yield savings, or increased income generation for years to come. Future budget setting will be taking into consideration current financial pressures and challenges due to ongoing inflation trajectory. The Council has a robust governance process for tracking delivery of agreed savings through the Recovery and Stabilisation Programme meetings, whilst work is still underway to assess developed savings plans.
- 1.7 The Council's overall annual revenue spend is managed and monitored across a number of areas and at Quarter 2, the budget holders are forecasting a risk of overspend of approximately £1.188m (as shown within the table below), which CMT should in the first instance set out in-service options for mitigation. Where these are considered undeliverable, or pressures cannot be contained across the directorate the budget monitoring/scrutiny process will be triggered and a request may be made for the Cabinet to consider granting a supplementary estimate redirecting funds from an alternative source.
- 1.8 Through careful planning and re-profiling during the 2021/22 year-end, the Council has been able to provide resilience by setting aside specific reserves to address ongoing Cost of living, Inflation, Fuel & Energy Cost and Bad debt along with carry forwards, £1.6m of these have been brought into the position as one-off funding to provide relevant immediate support.

## 2 General Fund

- 2.1 The General Fund projected out-turn for 2022/23 as at 30 September, quarter 2, is shown in the summary table 1 below, as an overspend against budget of £1.188m:

Table 1: Summary of projected out-turn as at Quarter 2	Budget 2022-23	Budget adjustments requested	Actual & Committed	Projected Outturn	Projected Variance at year end (Quarter 2)	Projected Variance at year end (Quarter 1)
	£	£	£	£	£	£
Corporate Services	3,824,350	0	5,848,184	3,992,909	168,559	24,100
Service Delivery	7,538,650	390,000	8,204,391	8,282,443	743,793	184,514
Regeneration and Planning	(51,850)	457,000	1,311,233	1,358,538	1,410,388	1,101,218
Tourism and Enterprise	2,203,550	755,622	790,575	2,152,228	(51,322)	49,078
Additional cost of payaward	0	0	0	469,000	469,000	0
<b>Net Cost of Services</b>	<b>13,514,700</b>	<b>1,602,622</b>	<b>16,154,384</b>	<b>16,255,119</b>	<b>2,740,419</b>	<b>1,358,910</b>
Other Operating Income & Expenditure	487,450	0	249,393	249,400	(238,050)	(250,000)
Capital Financing	2,103,400	0	1,952,283	750,300	(1,353,100)	(150,000)
Transfer from reserves	0	(1,602,622)	0	0	0	0
<b>Net Budget</b>	<b>16,105,550</b>	<b>0</b>	<b>18,356,060</b>	<b>17,254,819</b>	<b>1,149,269</b>	<b>958,910</b>
Financing	(16,105,550)	0	(8,851,061)	(16,066,762)	38,788	(85,262)
<b>Over/ (under) budget</b>	<b>0</b>	<b>0</b>	<b>9,504,999</b>	<b>1,188,057</b>	<b>1,188,057</b>	<b>873,648</b>



2.2 The projected out-turn for 2022/23, advised by budget holders as of 30 September 2022 is an overspend against budget of £1.188m.

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.

The residual projected overspend of £1.188m, in the main is due to the anticipated impact of price inflation for energy costs, increased cost of goods and services, pressures in regeneration and planning and pressures in services due to rising volumes in the number of homeless and rough sleeper placements, which are explored further below. The additional cost of the April 2022 pay award agreed recently is estimated at £469k.

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.

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.

The impact on consumer spending power, and bad debts is uncertain especially on income targets in areas such as Tourism, hospitality and Culture which are still recovering from the economic impact of Covid19 pandemic.

By setting aside targeted reserves at the 2021/22-year end, the council has been able to create greater financial resilience and additional capacity to bring into position £1.602m of one off funds to support the 2022/23 shortfall. This provision enables the authority to further develop and extend its recovery and stabilisation programme in order to mitigate inflationary impacts as follow:

- Tourism and Culture has been supported from £755k of one-off funds from earmarked reserves
- Service Delivery has been supported by £280k grant reserves.
- Planning have required reserves of £204k to afford the local plan which is required every 4 years.
- £90k of better care fund (BCF), £3k community environment partnership and £20k carry forward to fund litter and dog waste bins have been brought forward to support the service and bottom line; and
- £250k to support increased energy costs are shown in the position.

The budget includes savings targets of £3.294m, which have been incorporated to the relevant service.

Key variances are set out in the following table:

## 2.3 Corporate Services, adverse variation £168,559:

Corporate Services	Budget 2022-23	Budget adjustments requested	Actual & Committed	Projected Outturn	Projected Variance at year end (Quarter 2)	Projected Variance at year end (Quarter 1)
	£	£	£	£	£	£
Corporate Management Team	79,850	0	(895,321)	178,850	99,000	0
Financial Services	1,265,400	0	2,692,583	1,267,382	1,982	9,300
Human Resources	370,250	0	294,235	387,500	17,250	6,600
Total Information Technology	1,204,600	0	2,160,069	1,205,267	667	(29,600)
Total Legal	248,450	0	(241,216)	254,610	6,160	0
Total Local Democracy	741,550	0	509,068	785,050	43,500	37,800
Local Land Charges	(85,750)	0	(52,536)	(85,750)	0	0
Corporate Services	3,824,350	0	4,466,882	3,992,909	168,559	24,100

Corporate Services are showing an adverse variation of £168k due to:

- Corporate Management £99k - this relates to corporate projects £93k (of which £75k relates to the Eden project) and other net additional costs £6k.
- Financial Services £2k– additional insurance premium costs £53k and bank charges £13k less saving from deleted post £26k and other recharge income £38k.
- Human Resources £17k – additional occupational health contract usage costs £50k and training costs £25k offset by savings in salary costs £58k.
- Democratic services £43k mainly due to a newly created role £38k and additional staffing costs £5k.

## 2.4 Service Delivery, projected overspend £743,793:

Service Delivery	Budget 2022-23	Budget adjustments requested	Actual & Committed	Projected Outturn	Projected Variance at year end (Quarter 2)	Projected Variance at year end (Quarter 1)
	£	£	£	£	£	£
Director of Service Delivery	15,700	0	49,114	25,339	9,639	(599)
Customer First	273,800	90,000	232,742	276,609	2,809	17,633
Customer Contact	671,400	0	322,584	609,505	(61,895)	9,188
Neighbourhood First	57,900	80,000	(291,903)	139,426	81,526	123,059
Case Management	345,800	0	275,917	436,056	90,256	46,877
Account Management	(37,800)	0	(37,467)	(41,580)	(3,780)	0
SA-Licensing,Cemeteries,Coast Protection	1,453,700	51,100	1,048,198	1,501,733	48,033	43,274
Specialist Advisory - Revenues	1,402,600	(51,100)	1,027,463	1,939,020	536,420	44,901
Specialist Advisory - Waste	4,426,450	(60,000)	4,435,575	4,423,533	(2,917)	(1,879)
Bereavement Services	(1,236,700)	0	(395,129)	(1,170,269)	66,431	4,586
Homes First - Solarbourne	(200,750)	0	(9,653)	(200,750)	0	0
Homes First - Head of Service	29,850	0	161,940	29,850	0	0
Homes First - Housing Strategy	3,000	0	49,295	3,000	0	0
Homes First - Customer Experience	0	0	79,484	0	0	0
Homes First - Housing needs and stand	333,700	0	1,513,730	590,971	257,271	(102,526)
Homes First - Housing Property Service	0	0	(257,498)	0	0	0
Transfer from Reserves	0	280,000	0	(280,000)	(280,000)	0
Service Delivery	7,538,650	390,000	8,204,391	8,282,443	743,793	184,514

The service is predicting overspends against staff costs, and pressure with cost of placements for homeless, details of which are shown below:

- Customer Contact favourable variation of £62k due to staff turnover and reduced agency costs.

- Neighbourhood First adverse variation of £82k due to additional staffing costs £176k offset by additional car park income £87k.
- Case Management adverse variation of £90k due to agency staff costs.
- Licensing, Cemeteries and Coastal Protection adverse variation of £48k mainly due to Ash die back.
- Specialist Advisors adverse variation of £536k.
  - The majority, £775k, 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 (£320k) by an increase in the subsidy receivable on Private Tenant housing benefit.
  - 
  - £97k is due to a downturn of 30% in Court Summons raised due to a reduction in staff resource to deal with work-tray backlog, less net other savings £16k.
- Bereavement Services adverse variation of £66k due to a reduction in crematorium income.
- Housing Needs and Standards adverse variation of £258k:
  - increased cost of rough sleepers' placements of £387k
  - increased spot purchase rates of B&Bs £50k
  - increased cost of agency and staffing £151k
  - cost of legal cases £20k
  - the above is being offset by anticipated one off £350k of Better Care Funding.

Please note the above position includes £20k of carry forward from 2021-22 which is to fund litter and dog waste bins, an allocation of £90k of Better Care Fund (BCF) carried forward from previous year and a contribution from grant of £280k.

## 2.5 Regeneration and Planning projected overspend of £1,410,388

Regeneration and Planning	Budget 2022-23	Budget adjustments requested	Actual & Committed	Projected Outturn	Projected Variance at year end (Quarter 2)	Projected Variance at year end (Quarter 1)
	£	£	£	£	£	£
Service Management - Director	42,750	0	71,924	42,750	0	250
Business Planning and Performance	506,000	3,000	360,156	568,500	62,500	(16,500)
Planning	390,700	204,000	438,170	597,474	206,774	188,810
Asset Management	(1,260,150)	250,000	(96,336)	(494,283)	765,867	503,150
Housing Delivery	118,600	0	498,780	162,000	43,400	35,200
Facilities	(68,400)	0	(156,706)	279,150	347,550	315,500
Regeneration	218,650	0	195,246	202,947	(15,703)	74,808
<b>Regeneration and Planning</b>	<b>(51,850)</b>	<b>457,000</b>	<b>1,311,233</b>	<b>1,358,538</b>	<b>1,410,388</b>	<b>1,101,218</b>

Regeneration and Planning is anticipating significant pressures of £1.4m within its service delivery.

- Business Planning and Performance adverse variation of £62k pressure due to newly created procurement manager post (funded by Procurement savings).

- Planning adverse variation of £207k includes
  - Planning appeal costs £100k,
  - Salary pressure £85k
  - Loss of income £22k.

Please note £204k of consultancy costs to deliver the Local Development Framework is funded from reserves in the position.

- Asset Management adverse variation of £766k:
  - This includes increased energy costs of net £204k (after the transfer of gas costs of £250k to Sovereign Centre and release of £250k from reserves and carry forwards for energy cost pressures).
  - Net pressure of £597k are in relation to vacant properties within investment properties less £35k of additional income on downs water supply.
- Housing Delivery adverse variation of £43k due to staffing costs.
- Facilities adverse variation of £347k:
  - Grove Road £248k overspend is showing mainly due to £130k duplicate Recovery and Stabilisation savings target, £30k additional phone costs and £88k energy increase.
  - Town Hall £65k pressures including £25k unfunded security costs, reduced lettings income of £27k and increased maintenance costs £13k.
  - College Road Offices £34k on property related costs. Further investigation is ongoing to find solutions.
- Regeneration: £15k service savings including Christmas lights £9k and net other £6k.

Please note in addition to £204k of reserves to fund the local plan, there is a small carry forward of £3k for the community environment Partnership. In addition, there is a £250k transfer of gas costs to Sovereign Centre and a transfer from reserves of £250k to meet increased energy costs.

## Tourism and Enterprise projected underspend of £51,322

Tourism and Enterprise	Budget 2022-23	Budget adjustments requested	Actual & Committed	Projected Outturn	Projected Variance at year end (Quarter 2)	Projected Variance at year end (Quarter 1)
	£	£	£	£	£	£
Towner	420,400	0	413,880	420,400	0	0
Tourism and Enterprise	795,450	2,500	244,501	784,050	(11,400)	(6,300)
Events	377,700	2,500	503,949	404,050	26,350	19,450
Theatres	59,950	27,800	(790,919)	422,300	362,350	352,700
Sports Delivery	605,900	27,800	159,835	547,550	(58,350)	2,750
Seafront	51,450	(27,800)	81,845	53,600	2,150	89,000
Heritage	67,400	(2,500)	69,323	102,950	35,550	35,250
Tourist Information	172,850	(27,800)	110,360	230,050	57,200	84,300
Catering	(347,550)	(2,500)	(2,200)	(57,100)	290,450	227,550
Transfer from Reserves		755,622	0	(755,622)	(755,622)	(755,622)
Tourism and Enterprise	2,203,550	755,622	790,575	2,152,228	(51,322)	49,078

Please note the favourable variation of £51,322 is after the transfer of £755,622, one off funding from earmarked reserves, to support the service against the impact inflation and reduced spending power of customers. Only the required amount will be drawn from reserves at year-end.

As above there are a few small variances both positive and adverse which should be manageable over the year however larger variances are as follows:

- Theatres adverse variance of £362k
  - Devonshire Park Theatre reduced audiences £179k
  - Winter Gardens reduced bookings £54k,
  - Staffing pressures £137k,
  - Welcome Building reduced letting income £45k,
  - Congress Theatre projected income surplus of £53k.

The savings target of £500k for VAT exemption is delayed and alternative options are in place to compensate against this delay.

- Sports Delivery £58k positive variance due to increased income for Sovereign centre.
- Seafront £2k adverse variance is due to ice-cream sales no achievable income of £35k, the closure of Redoubt Event with £28k of increased costs and bandstand £11k less increased income of £72k for Beach Huts.
- Heritage £35k adverse variance is due to Beachy Head story reduced income.
- Tourist Information £57k adverse variance is due to increased staff costs.
- Catering £290k adverse variance:
  - The Pavilion is anticipating a loss in income of £62k;
  - Increased salary costs (Devonshire Park of £110k, Stage Door £50k, EDGC £48k, Congress theatre £20k).

## 2.6 Other Operating Income & Expenditure, Capital Financing and Reserves

Other Operating Income and Capital Financing & Reserve movements	Budget 2022-23	Budget adjustments requested	Actual & Committed	Projected Outturn	Projected Variance at year end (Quarter 2)	Projected Variance at year end (Quarter 1)
	£	£	£	£	£	£
Contingencies	250,000	0	0	0	(250,000)	(250,000)
Precepts and Levies	237,450	0	249,393	249,400	11,950	0
<b>Other Operating Income &amp; Expenditure</b>	<b>487,450</b>	<b>0</b>	<b>249,393</b>	<b>249,400</b>	<b>(238,050)</b>	<b>(250,000)</b>
Capital Financing	2,103,400	0	1,952,283	750,300	(1,353,100)	(150,000)
Transfers from Reserves		0	0	0	0	0
Other						
<b>Capital Finances and Reserves</b>	<b>2,103,400</b>	<b>0</b>	<b>1,952,283</b>	<b>750,300</b>	<b>(1,353,100)</b>	<b>(150,000)</b>

Contingencies positive variation of £250k

- this budget has no commitments against it and has been fully released to support the bottom line.

Capital Financing positive variation of £1,353k

- external interest payments on loans are projected to save £587k when compared to the budget which is consistent with previous years.
- the recent increase in interest rates will result in additional interest receivable on investments by £155k.
- following their review, the Treasury Management advisors, Link Group, have advised that minimum revenue provision (MRP) can be reduced to nil in 2022-23 generating a saving of £611k

Transfer from Reserves

- Please note the transfer from reserves and carry forwards of £1,602k have been incorporated into relevant service budgets. These are for noting and will be formally updated as part of the mid-year revision and budget setting process.

### 3 Housing Revenue Account (HRA)

3.1 The performance on the HRA for quarter 2 is as follows:

The budget was set at a net £3.093m including a revenue contribution to HRA capital programme of £2.934m, which is fully funded from reserves.

The overall forecasted net position on the HRA, at quarter 2, is £0.003m overspend when compared to the budget.

HRA Summary Quarter 2	Original Budget	Projected Outturn	Q2 Variance	Q1 Variance
	£000's	£000's	£000's	£000's
Income	(16,355)	(16,248)	107	1
Expenditure	14,797	15,148	351	(29)
Capital Financing	1,717	1,562	(155)	(2)
Contribution to Capital Expenditure	2,934	2,634	(300)	
<b>Total</b>	<b>3,093</b>	<b>3,096</b>	<b>3</b>	<b>(30)</b>

The two significant variations are as follows:-

- The adverse variation of £0.449m is due to an increase in depreciation charges based on 2021/22 outturn. Further work needs to be undertaken to establish the current level of depreciation charges following the revaluation of the housing stock.
- At the point of writing this report, further work is being undertaken to inform the delivery of the capital programme including HRA projects. Any change from the projected revenue contribution to capital assumed at £2.634m will be reported at quarter 3.

Details can be found at Appendix 1

#### 4.0 Collection Fund

4.1 The Collection Fund records all the income from Council Tax and Business Rates and its allocation to precepting authorities.

4.2 The Collection fund for the year is as follows:

	Council Tax £'000	Business Rates £'000
<b>Actual Balance 1 April 2022 - (Surplus) / Deficit</b>	(890)	12,450
(Recovery) / Distribution of Prior Year Deficit or Surplus	908	(9,952)
Total Collectable Income for year*	(78,465)	(33,315)
Payments to Preceptors	76,440	34,202
Write offs, provisions for bad debts and appeals	888	733
<b>Estimated Balance 31 March 2023 – (Surplus) / Deficit</b>	<b>(1,119)</b>	<b>4,118</b>
<b>Allocated to:</b>		
Central Government	-	2,059
East Sussex County Council	(821)	371
Eastbourne Borough Council	(133)	1,647
Sussex Police & Crime Commissioner	(114)	-
East Sussex Fire Authority	(51)	41
<b>Total</b>	<b>(1,119)</b>	<b>4,118</b>

\* 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.

- 4.3 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.
- 4.4 Council Tax has a forecast surplus for the year of £1,119k as at Q2 September (£808k Q1 June). The Council's share of the estimated surplus is £133k (£96k 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.
- 4.5 Business Rates has a forecast deficit for the year of £4.118m as at Q2 September (£3.633m Q1 June). The Council's share of the estimated deficit is £1.647m (£1.453m Q1). Section 31 grant received from central government, as compensation for additional reliefs provided, can be used to offset the deficit position.
- 4.6 The estimated year end positions for Council Tax and Business Rates, used for budget setting purposes, will be formalised and agreed in January 2023.

## 5 Capital Expenditure

- 5.1 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 £5.5m against the latest programme of £32.8m, 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. Additional comments are provided for each scheme within the attached Appendix 2.

<b>Summary - Capital Programme</b>	<b>Original 2022-23</b>	<b>Q2 Updated 2022-23</b>	<b>Q2 Spend 2022-23</b>	<b>Q2 variance to updated Q2 budget</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Housing Revenue Account	18,210	16,553	3,535	-13,018
Other Housing	1,460	3,053	529	-2,524
Community Services	2,145	3,248	317	-2,931
Tourism & Leisure	150	107	4	-103
Corporate Services	3,381	2,629	554	-2,075
Regeneration	6,371	4,092	19	-4,073
Asset Management	3,765	3,190	505	-2,685
<b>Total Capital Prog.</b>	<b>35,482</b>	<b>32,872</b>	<b>5,463</b>	<b>-27,409</b>

- 5.2 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.
- 5.3 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.



## **6 Treasury Management**

- 6.1 The Annual Treasury Management and Prudential Indicators were approved by Cabinet and Council in February.

### **Annual Investment Strategy**

The Treasury Management Strategy Statement (TMSS) for 2022/23 which includes the Annual Investment strategy, was approved by the Full Council on Wednesday, 9 February 2022. It sets out the Council's investment priorities as being:

- Security of Capital;
- Liquidity;
- Yield.

Approved limits within the Annual Investment Strategy were not breached during the period ending 30 September 2022, except for the balance held with Lloyds Bank, which exceeded the £5m limit for 11 days during the period.

- 6.2 The Council's debt and investment position is organised by staff within Financial Services in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities.
- 6.3 In a relatively short period since the onset of the COVID-19 pandemic, the global economic fallout was sharp and large. Market reaction was extreme with large falls in equities, corporate bond markets and, to some extent, real estate echoing lockdown-induced paralysis and the uncharted challenges for governments, businesses, and individuals.

### **6.4 Fixed Term Deposits which have matured in the reporting period**

The table below shows the fixed term deposits which have matured between 1 July to 30 September 2022, in maturity date order. It is important to note that the table includes sums reinvested.

Counterparty	Date From	Date To	Days	Principal £'000	Int. Rate %	Long-term rating
					%	
DMO	01/07/2022	01/08/2022	31	3,000,000	1.05	*
DMO	06/07/2022	08/08/2022	33	2,000,000	1.11	*
DMO	08/07/2022	29/07/2022	21	2,000,000	1.05	*
DMO	15/07/2022	19/07/2022	4	2,500,000	1.05	*
DMO	27/07/2022	29/07/2022	2	5,000,000	1.05	*
DMO	01/08/2022	04/08/2022	3	7,000,000	1.14	*
DMO	04/08/2022	08/08/2022	4	2,000,000	1.40	*
DMO	09/08/2022	22/08/2022	13	6,000,000	1.55	*
DMO	15/08/2022	22/08/2022	7	1,000,000	1.55	*
DMO	01/09/2022	12/09/2022	11	4,000,000	1.55	*
DMO	13/09/2022	20/09/2022	7	2,000,000	1.55	*
DMO	20/09/2022	23/09/2022	3	5,000,000	1.62	*

**\*UK Government body and therefore not subject to credit rating**

## 6.5 Use of Deposit accounts

In addition to the fixed term deposits, the Council has made use of the following interest-bearing accounts in the period covered by this report, with the average amount held being £2.56m generating interest of approximately £7.2k.

	Balance at 30 September 2022 £'000	Average balance £'000	Current interest rate %
Santander Business Reserve Account	3,000	4,227	0.96
Lloyds Bank Corporate Account	642	1,820	0.01
Lloyds Bank Call Account	300	1,632	0.15

## 6.6 TM Borrowing – Q2 2022/23

In taking borrowing decision, the Council carefully considered achieving best value, the risk of having to borrow at higher rates at a later date, the carrying cost of the difference between interest paid on such debt and interest received from investing funds which would be surplus until used, and that the Council could ensure the security of such funds placed on temporary investment.

- **Rescheduling** – no debt rescheduling was carried out during the quarter as there was no financial benefit to the Council.
- **Repayment** – none between 1 July and 30 September 2022

6.7 **Borrowing** – The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed. No new loans were drawn down from PWLB (Public Works Loan Board) during the quarter to fund the net unfinanced capital expenditure and/or to replace maturing loans. Various temporary loans were taken to cover cash flow requirements. All loans drawn were for fixed rate as detailed within the table below.

Lender - Temp Debt	£m	Start Date	End Date	Rate
<b>Loans held:</b>				%
West Midlands Combined Authority	10,000	21/01/2022	20/01/2023	0.25
Hyndburn BC	2,000	28/02/2022	27/02/2023	0.70
Northern Ireland Housing Executive	10,000	20/06/2022	19/06/2023	1.20
West Yorkshire Combined Authority	5,000	23/05/2022	09/05/2023	1.20
West Yorkshire Combined Authority	10,000	25/07/2022	27/06/2023	1.80
Solihull MBC	5,000	20/09/2022	20/12/2022	2.35
<b>Loans repaid:</b>				
Middlesbrough Council	5,000	11/03/2022	29/07/2022	0.79
Greater Manchester Pension Fund	5,000	21/03/2022	22/08/2022	0.70

## 6.8 **Interest Rate Forecast**

The Council has appointed Link Group as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps) which has been accessible to most authorities since 1st November 2012.

The latest forecast on 27th September sets out a view that both short and long-dated interest rates will be elevated for some little while, as the Bank of England seeks to squeeze inflation out of the economy, whilst the government is providing a package of fiscal loosening to try and protect households and businesses from the ravages of ultra-high wholesale gas and electricity prices.

The increase in PWLB rates reflects a broad sell-off in sovereign bonds internationally but more so the disaffection investors have with the position of the UK public finances after September's "fiscal event". To that end, the MPC has tightened short-term interest rates with a view to trying to slow the economy sufficiently to keep the secondary effects of inflation – as measured by wage rises – under control, but its job is that much harder now.

Links current and previous PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps) which has been accessible to most authorities.

Link Group Interest Rate View 27.09.22												
	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25
BANK RATE	4.00	5.00	5.00	5.00	4.50	4.00	3.75	3.25	3.00	2.75	2.75	2.50
3 month ave earnings	4.50	5.00	5.00	5.00	4.50	4.00	3.80	3.30	3.00	2.80	2.80	2.50
6 month ave earnings	4.70	5.20	5.10	5.00	4.60	4.10	3.90	3.40	3.10	3.00	2.90	2.60
12 month ave earnings	5.30	5.30	5.20	5.00	4.70	4.20	4.00	3.50	3.20	3.10	3.00	2.70
5 yr PWLB	5.00	4.90	4.70	4.50	4.20	3.90	3.70	3.50	3.40	3.30	3.20	3.20
10 yr PWLB	4.90	4.70	4.60	4.30	4.10	3.80	3.60	3.50	3.40	3.30	3.20	3.20
25 yr PWLB	5.10	4.90	4.80	4.50	4.30	4.10	3.90	3.70	3.60	3.60	3.50	3.40
50 yr PWLB	4.80	4.60	4.50	4.20	4.00	3.80	3.60	3.40	3.30	3.30	3.20	3.10

Link Group Interest Rate View 09.08.22													
	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25
BANK RATE	2.25	2.50	2.75	2.75	2.75	2.50	2.50	2.25	2.25	2.25	2.25	2.25	2.00
3 month ave earnings	2.50	2.80	3.00	2.90	2.80	2.50	2.40	2.30	2.30	2.30	2.20	2.20	2.20
6 month ave earnings	2.90	3.10	3.10	3.00	2.90	2.80	2.70	2.60	2.50	2.50	2.40	2.30	2.30
12 month ave earnings	3.20	3.30	3.20	3.10	3.00	2.90	2.80	2.70	2.40	2.40	2.40	2.40	2.40
5 yr PWLB	2.80	3.00	3.10	3.10	3.00	3.00	2.90	2.90	2.80	2.80	2.80	2.70	2.70
10 yr PWLB	3.00	3.20	3.30	3.30	3.20	3.10	3.10	3.00	3.00	3.00	2.90	2.90	2.80
25 yr PWLB	3.40	3.50	3.50	3.50	3.50	3.40	3.40	3.30	3.30	3.20	3.20	3.20	3.10
50 yr PWLB	3.10	3.20	3.20	3.20	3.20	3.10	3.10	3.00	3.00	2.90	2.90	2.90	2.80

- LIBOR and LIBID rates ceased at the end of 2021. In a continuation of previous forecasts, Links money market yield forecasts are based on expected average earnings by local authorities for 3 to 12 months.
- Links forecasts for average earnings are averages i.e., rates offered by individual banks may differ significantly from these averages, reflecting their different needs for borrowing short-term cash at any one point in time.

## 6.9 A SUMMARY OVERVIEW OF THE FUTURE PATH OF BANK RATE

The forecast for interest rates was previously updated on 9th August and reflected a view that the MPC would be keen to further demonstrate its anti-inflation credentials by delivering a succession of rate increases. This has happened but the “fiscal event” has complicated the picture for the MPC, who will now need to double-down on counteracting inflationary pressures stemming from the government’s widespread fiscal loosening.

Further down the road, it is anticipated that the Bank of England will be keen to loosen monetary policy when the worst of the inflationary pressures are behind us – but that timing will be one of fine judgment: cut too soon, and inflationary pressures may well build up further; cut too late and any downturn or recession may be prolonged.

The CPI measure of inflation will peak at close to 10.4% in November 2022. Despite the cost-of-living squeeze that is still taking shape, the Bank will want to see evidence that wages are not spiralling upwards in what is evidently a very tight labour market. Regarding the “provisional” plan to sell £10bn of gilts back into the market each quarter, this is still timetabled to take place but not until October at earliest. In the upcoming months, the forecasts will be guided not only by economic data releases and clarifications from the MPC over its monetary policies and the government over its fiscal policies, but the on-going conflict between Russia and Ukraine.

On the positive side, consumers are still estimated to be sitting on over £160bn of excess savings left over from the pandemic so that will cushion some of the impact of the above challenges. However, most of those are held by more affluent households

whereas lower income families already spend nearly all their income on essentials such as food, energy, and rent/mortgage payments.

## **7 Appendices**

- 7.1
  - Appendix 1 – Housing Revenue Account
  - Appendix 2 – Capital Programme

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## EBC Housing Revenue Account 2022/23

HRA 2022/23	Original Budget	Estimated Outturn	Variance at Year End	Q1 Variance at Year End
	£000's	£000's	£000's	£000's
<b>INCOME</b>				
Gross Rents	(15,268)	(14,934)	334	1
Charges for Services	(1,087)	(1,314)	(227)	0
<b>GROSS INCOME</b>	<b>(16,355)</b>	<b>(16,248)</b>	<b>107</b>	<b>1</b>
<b>EXPENDITURE</b>				
Management Fee	8,077	8,212	135	0
Supervision and Management	1,961	1,728	(233)	1
Provision for Doubtful Debts	212	212	0	(1)
Depreciation	4,547	4,996	449	1
<b>GROSS EXPENDITURE</b>	<b>14,797</b>	<b>15,148</b>	<b>351</b>	<b>1</b>
<b>NET COST OF HRA SERVICES</b>	<b>(1,558)</b>	<b>(1,100)</b>	<b>458</b>	<b>2</b>
Loan Charges - Interest	1,720	1,565	(155)	0
Interest Receivable	(3)	(3)	0	(2)
<b>NET OPERATING SURPLUS</b>	<b>159</b>	<b>462</b>	<b>303</b>	<b>0</b>
Contribution to Capital Expenditure	2,934	2,634	(300)	0
<b>HRA (SURPLUS) / DEFICIT</b>	<b>3,093</b>	<b>3,096</b>	<b>3</b>	<b>0</b>

HOUSING REVENUE ACCOUNT WORKING BALANCE	Original Budget	Projected Outturn
<b>Working Balance at 1 April (Surplus) or Deficit for the year</b>	<b>(4,884)</b>	<b>(4,884)</b>
<b>Working Balance at 31 March</b>	<b>3,093</b>	<b>3,096</b>
	<b>(1,791)</b>	<b>(1,788)</b>

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Scheme	Original 2022-23	Updated Q1 2022-23	Q2 Re-profiled	Updated Q2 2022-23	Spend 2022-23 Q2	Q2 variance to updated Q2 budget	Comments
<b>HOUSING REVENUE ACCOUNT</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Major Works	5,816	6,566		6,566	1,547	-5,019	Committed £2.8million, including £750,000 Green Point Fire Risk Works Project that is starting on site in October.
Sustainability Initiatives Pilot	160	160		160	0	-160	Currently assessing properties for works to start.
Disabled Adaptations	450	450		450	0	-450	On target to spend allocation in 2022-23
New Build	8,419	9,606	-3,594	6,012	1,400	-4,612	Schemes progressing. Some re-profiling to reflect current status
Acquisitions	3,365	3,365		3,365	588	-2,777	5 new RSAP acquisitions planned for 2022-23
<b>Total HRA</b>	<b>18,210</b>	<b>20,147</b>	<b>-3,594</b>	<b>16,553</b>	<b>3,535</b>	<b>-13,018</b>	
<b>Other Housing</b>							
EHIC Loans	492	528	-36	492	0	-492	Available for drawdown when required
AH - Credit facility	-	35		35	0	-35	Available for drawdown when required
AH - 183 Langney Rd	468	1,011		1,011	131	-880	Available for drawdown when required
AH - Victoria Mansion	500	1,265		1,265	398	-867	Available for drawdown when required
AH - Street Acquisitions (Affordable)	-	250		250	0	-250	Available for drawdown when required
<b>Total Other Housing</b>	<b>1,460</b>	<b>3,089</b>	<b>-36</b>	<b>3,053</b>	<b>529</b>	<b>-2,524</b>	
<b>COMMUNITY SERVICES</b>							
Disabled Facilities Grants	1,200	1,856		1,856	216	-1,640	Slow start but on target to spend full allocation
BEST Grant (housing initiatives)	-	15		15	0	-15	On target
Coast Defences Beach Management	300	300	295	595	0	-595	Coastal survey carried out in Q1&2. Increased budget fully funded by grant
Cycling Strategy	41	41		41	0	-41	This budget will contribute to the cycle routes ESCC has prioritised, but currently no progress.
Play Area Sovereign Harbour	-	27		27	0	-27	Awaiting transfer of land from developer
Refurbishment of Public Facilities	50	50		50	0	-50	Works are being planned
Langney Cemetery - Road Improvements	30	-		0	0	0	Works completed 2021-22
Ocklynge Cemetery - Road Improvements	15	-		0	0	0	Works completed 2021-22
Crematorium - Road Improvements	15	15		15	1	-14	Works completed
Crematorium - Cesspit Replacement	37	35		35	17	-18	Work has been tendered. Should be on site late Autumn 22
Crematorium - Chapel Improvements	120	120		120	17	-103	Tenders received & additional £17k needed to complete
SEESL Loan	73	254		254	0	-254	Available for drawdown when required
Waste & Recycling Equipment	198	194	-20	174	66	-108	Bins are work in progress.
5 Fleet Vans	66	66		66	0	-66	Working with Link to acquire vehicles
<b>Total Community Services</b>	<b>2,145</b>	<b>2,973</b>	<b>275</b>	<b>3,248</b>	<b>317</b>	<b>-2,931</b>	
<b>TOURISM &amp; LEISURE</b>							
Sovereign Centre - Existing building	150	107		107	4	-103	On target to complete in 2022-23
<b>Total Tourism &amp; Leisure</b>	<b>150</b>	<b>107</b>	<b>0</b>	<b>107</b>	<b>4</b>	<b>-103</b>	
<b>CORPORATE SERVICES</b>							
IT - Block Allocation	150	119	115	234	134	-100	On target. Additional allocation funded by LDC
Contingency	250	230		230	0	-230	Available for schemes when identified
Recovery & Stabilisation	435	984	-25	959	182	-777	Spend will continue into 2023/24
JTP Finance Transformation	100	186		186	0	-186	Asset software being implemented
Retail Refurbishment	2,446	2,434	-1,434	1,000	235	-765	Phase 1 is complete. Phase 2 is being shaped at the moment.
Sculpture	-	20		20	3	-17	No action; location to be confirmed.
<b>Total Corporate Services</b>	<b>3,381</b>	<b>3,973</b>	<b>-1,344</b>	<b>2,629</b>	<b>554</b>	<b>-2,075</b>	
<b>REGENERATION (Levelling Up Fund)</b>							
Black Robin Farm	3,780	4,079	-3,000	1,079	19	-1,060	Main spend will start Q1 23-24 & budget re-profiled.
Towner Centenary Project	674	818		818	0	-818	Currently on budget. Awaiting claims from Towner
Victoria Place Pedestrianisation	1,917	2,115		2,115	0	-2,115	During Q2, discussions continued to take place on the content of grant funding agreement between EBC (as local accountable body) and ESCC (as the scheme promoter) including confirming a refined spend profile of the grant payments across the programme and financial years.
Shinewater	-	-	80	80	0	-80	New scheme funded by external grant
<b>Total Regeneration</b>	<b>6,371</b>	<b>7,012</b>	<b>-2,920</b>	<b>4,092</b>	<b>19</b>	<b>-4,073</b>	
<b>Asset Management</b>							
Winter Garden	1,500	951	-850	101	0	-101	Facade to be completed in 2023-24 and budget re-profiled.
Dev Park Theatre (H&S)	-	83		83	54	-29	On target to complete in 2022-23
Victoria Mansions Commercial	-	71		71	0	-71	Completed. Awaiting final invoices
Congress Theatre Roof	275	425	-125	300	1	-299	Additional funds of £239k required. Work to be completed in 2023-24
Bandstand & Promenade Renovations	750	871		871	222	-649	Phase 1 works (hoarding and associated health and safety works) completed July 2022. Work commenced November to isolate and strip out services to prepare for new supporting structure and replacements of services. Main floor to commence January 2023.
EDGC Improvements (Workshop)	-	100		100	19	-81	Works due to be carried out imminently
Seafront Lighting	200	305		305	123	-182	Phase 1 (Wishtower to Pier) due for completion late Autumn 22. Phase 2 - Festoon lighting from Pier likely 23/24
Leisure Estate	250	250		250	0	-250	Still progressing transfer documentation
Food Street	-	41		41	53	12	Completed.
Asset Value Improvement Fund	300	300		300	0	-300	Likely to be carried over to 2023-24
Redoubt Improvements	50	50		50	0	-50	Awaiting input from UKPN on new mains supply and Heritage
Town Hall	50	50		50	1	-49	Assembly Hall ceiling improvements are being organised. Also
The Point Improvements	30	30		30	13	-17	On target to complete in 2022-23
Stage Door Improvements	20	20		20	0	-20	Works to be progressed imminently
ILTC - Improvements	-	64		64	0	-64	Work to stand joints currently being organised. Further works to downpipes being planned
Towner Improvements	150	199		199	17	-182	Works have just commenced.
Fort Fun	40	40		40	0	-40	Initial electrical statutory compliance works are underway which

Scheme	Original 2022-23	Updated Q1 2022-23	Q2 Re- profiled	Updated Q2 2022-23	Spend 2022-23 Q2	Q2 variance to updated Q2 budget	Comments
1 Grove Road	50	50		50	2	-48	Fire alarm works being undertaken that will use the majority of
Asset Management - Block Allocation	100	265		265	0	-265	Balance for projects as they are identified
<b>Total Asset Management</b>	<b>3,765</b>	<b>4,165</b>	<b>-975</b>	<b>3,190</b>	<b>505</b>	<b>-2,685</b>	
General Fund	17,272	21,319	-5,000	16,319	1,928	-14,391	
HRA	18,210	20,147	-3,594	16,553	3,535	-13,018	
<b>Total</b>	<b>35,482</b>	<b>41,466</b>	<b>-8,594</b>	<b>32,872</b>	<b>5,463</b>	<b>-27,409</b>	
<b>Financed By:-</b>							
Capital Receipts HRA	963	1,039		1,039			
1-4-1 RTB Receipts	629	629		629			
Capital Receipts GF	606	761		761			
Grants and Contributions	9,630	12,615		8,952			
Major Repairs Reserve	4,548	6,409		5,900			
Revenue Contribution to Capital	2,934	2,504		2,504			
Section 106 Contributions	-	275		275			
GF Borrowing	8,282	10,835		8,345			
HRA Borrowing	7,890	6,399		4,467			
<b>Total Financing</b>	<b>35,482</b>	<b>41,466</b>		<b>32,872</b>			

# Agenda Item 9

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>14 December 2022</b>
<b>Title:</b>	<b>Local Council Tax Reduction Scheme 2023/24</b>
<b>Report of:</b>	<b>Tim Whelan, Director of Service Delivery</b>
<b>Cabinet member:</b>	<b>Councillor Alan Shuttleworth, Lead Member for Direct Assistance Services</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To gain Cabinet's recommendation to Full Council that the 2022/23 Local Council Tax Reduction Scheme is adopted as the 2023/24 scheme.</b>
<b>Decision type:</b>	<b>Budget and policy framework</b>
<b>Officer recommendation(s):</b>	<p><b>(1) Cabinet recommend to Full Council that the 2022/23 Local Council Tax Reduction Scheme is adopted as the 2023/24 scheme.</b></p> <p><b>(2) Subject to Full Council adoption of the Scheme, Cabinet grants the Director of Service Delivery delegated authority–</b></p> <ul style="list-style-type: none"><li><b>(a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and</b></li><li><b>(b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Lead Member for Direct Assistance Services.</b></li></ul> <p><b>(3) That the Exceptional Hardship Scheme continues in 2023/24 subject to funds being available.</b></p>
<b>Reasons for recommendations:</b>	<b>The Council must review the scheme each year and adopt a scheme for the coming financial year.</b>
<b>Contact Officer(s):</b>	<b>Name: Bill McCafferty</b> <b>Post title: Lead for Income Maximisation and Welfare</b> <b>E-mail: <a href="mailto:bill.mccafferty@lewes-eastbourne.gov.uk">bill.mccafferty@lewes-eastbourne.gov.uk</a></b> <b>Telephone number: (01323) 415171</b>

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## 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 On 20 November 2015 the Council adopted a revised scheme for 2016/17 that:
- Limited a Council Tax Reduction to 80% of the council tax liability
  - Assumed a minimum income for claimants who have been self-employed for more than 12 months
- 1.4 There have not been any changes to the scheme since 2016/17 so the current 2022/23 scheme follows the principles of protecting the most vulnerable, incentivising individuals into work and takes into account the financial pressures on the Council and the major preceptors.

## 2 Local Council Tax Reduction Scheme 2023/24

- 2.1 The scheme provides financial support to c4,000 of the most disadvantaged working-age residents with help in meeting their council tax liabilities.
- 2.2 The current cost of the scheme, in terms of a reduction in Tax base, is c£8.1m and is shared by the Council, East Sussex County Council, Sussex Police, and East Sussex Fire & Rescue in relation to their share of Council Tax.

	% share of Council Tax	Cost
East Sussex County Council	73%	£5,941,456
Eastbourne Borough Council	12%	£964,316
Sussex Police	10%	£828,277
East Sussex Fire and Rescue	5%	£365,950

- 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 Lead Member for Direct Assistance Services. 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 £17,000 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 Local Council Tax Reduction Scheme supports the Council's objective of addressing deprivation through helping residents on a low income meet their council tax liabilities.

## **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 £8.3m (2022/23 cost will be in the region of £8.1m). 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: 09.11.22*

*Legal ref: 011559-EBC-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 2016/17 scheme.

## **13 Environmental sustainability implications**

13.1 There are no sustainability implications arising from this report.

**14 Appendices**

- Appendix 1 – Local Council Tax Reduction Scheme 2023/24

**15 Background papers**

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

- None

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**Eastbourne Borough 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 1<sup>st</sup> April 2023 until 31<sup>st</sup> 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 1<sup>st</sup> 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 (Demand Notices and Reduction Schemes) (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 credit<sup>1</sup>; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which 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 Reduction<sup>2</sup> amount can be calculated;
- g. not have capital savings above £16,000<sup>3</sup>;
- 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*<sup>4</sup> is **less** than their *applicable amount*<sup>5</sup> 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 reduction<sup>6</sup>.

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 credit<sup>7</sup>; 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 Reduction<sup>8</sup> amount can be calculated;
- h. not have capital savings above £16,000<sup>9</sup>;
- 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*<sup>10</sup> is **more** than their *applicable amount*<sup>11</sup>;
- j. have made a valid application for reduction<sup>12</sup>;
- 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

<sup>1</sup> Section 5 of this scheme

<sup>2</sup> Sections 57 to 63 of this scheme

<sup>3</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>4</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>5</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>6</sup> Sections 68 to 74a of this scheme

<sup>7</sup> Section 5 of this scheme

<sup>8</sup> Sections 57 to 63 of this scheme

<sup>9</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>10</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>11</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>12</sup> Sections 68 to 74a of this scheme



- (ii) amount B is  $2\frac{6}{7}$  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

## **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) and Child Tax Credit (Amendment) Regulations 2014;

**‘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. a body which has a statutory duty to provide services in the field of health, social care or social housing; or
  - ii. a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; 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 and The Welfare Benefits Up-rating Order 2014;

**‘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 amended<sup>13</sup>; 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).

<sup>13</sup> The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013

- 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 Number<sup>14</sup>**

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,

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<sup>14</sup> 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 1971<sup>15</sup> where that leave is—
      - (i) discretionary leave to enter or remain in the United Kingdom,
      - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012;

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

- (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 of medical treatment;

- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is;

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—

- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section;

- ‘medically approved’ means certified by a medical practitioner;
- ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
  - a. in a care home;
  - b. in an independent hospital;
  - c. in an Abbeyfield Home; or
  - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

**Sections 9 - 11**

**The family for Council tax reduction purposes**

## **9.0 Membership of a family**

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
  - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
  - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
  - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
  - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
  - f. 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 2002<sup>16</sup> 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.

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<sup>16</sup> 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 earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

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

### **25.0 Earnings of employed earners**

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
  - (i) travelling expenses incurred by the applicant between his home and his place of

- employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.<sup>17</sup>

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

<sup>17</sup> 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 earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
  - b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.
- 29.3 In this section 'chargeable income' means—
- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
  - b. in the case of employment as a child minder, one-third of the earnings of that employment.

#### **29A.0 Minimum Income Floor**

- 29 A.1 Where no start up period (as defined within 29A.4) applies to the applicant and the income from self employment of the applicant or partner as calculated by reference to parts 27 to 29 of this scheme, the income used by the Council in the calculation of their award will be the **highest** of :
- i. Their calculated income: or
  - ii. 35 times the hourly minimum wage / national living wage (as appropriate) for an ordinarily employed worker
- From that the Council will deduct only an estimate for tax, national insurance and half of a pension contribution (where a pension contribution is being made) as if estimating the income of an employed worker.
- 29 A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the claimant or partner. This will normally be one year from the date of claim, or one year from the date of commencement of the employment activity, whichever is sooner. During this period no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.
- 29 A.3 Where a claimant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the Minimum Income Floor where appropriate.
- 29 A.4 Ordinarily, no start-up period may be applied in relation to a claimant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction. The Council may allow a subsequent employment to qualify for a start up period based on the previous history of the claimant and an assessment of such evidence that would support a decision to allow for a subsequent start up period.
- 29 A.5 In order to establish whether to award a start up period, or at its discretion a subsequent start up period, the claimant must satisfy the Council that the employment is

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted.
- Taking up at least 35 hours per week
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

29 A.6 For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions for a start up-period, the Council will require the claimant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start up period are met.

### **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 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

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

D

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until he 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 date 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 £16,000, 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 as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation 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 purposes<sup>18</sup>**

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<sup>18</sup> 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 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 80 per cent, of the amount A divided by B where;

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

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

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

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

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

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

## **57A.0 Minimum Council Tax Reduction**

57A.1 Where Council Tax Reduction is payable, it shall not be paid where the amount to which a person would otherwise be entitled is less than £5.00 per reduction week (or £5.00 x 1/7 per day)

## **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, £12.85 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.20 x 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 £224.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £224.00, but less than £389.00, the deduction to be made under this section shall be £8.55 x 1/7
- (c) not less than £389.00, but less than £484.00, the deduction to be made under this section shall be £10.70 x 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 area<sup>19</sup>**

**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**

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<sup>19</sup> 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 application<sup>20</sup>**

- 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.

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<sup>20</sup> 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 scheme<sup>21</sup>**

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

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<sup>21</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

application is made; and

- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

- (2) That date is the latest of;
- a. the first day from which the applicant had continuous good cause;
  - b. the day 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 evidence<sup>22</sup>**

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.

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<sup>22</sup> 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, the London Emergencies Trust, the We Love Manchester Emergency Fund, 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 application<sup>23</sup>**
- 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.

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<sup>23</sup> 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 circumstances<sup>24</sup>**

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

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<sup>24</sup> 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 authority<sup>25</sup>**

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 decision<sup>26</sup>**

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

<sup>25</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>26</sup> 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 reduction<sup>27</sup>**

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 paid<sup>28</sup>**

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

<sup>27</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>28</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**79.0 Shortfall in support / reduction**

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 entitled**

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 liability**

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**

**Section 99**

**Appeals against the authority's decisions**

**99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>29</sup>**

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
  - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing;
    - (i) that the ground is not well founded, giving reasons for that belief; or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act<sup>30</sup>.

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<sup>29</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>30</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014

**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 Act<sup>31</sup>**

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).

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<sup>31</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012



**Section 101 – 106A<sup>32</sup>**  
**Electronic Communication**

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<sup>32</sup> 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 Amounts<sup>33</sup>**

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<sup>33</sup> <sup>33</sup> 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
<b>Disability Premium</b>	£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
<b>Severe Disability Premium</b>	£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
<b>Disabled Child Premium</b>	£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
<b>Carer Premium</b>	£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
<b>Enhanced Disability Premium</b>	(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 are satisfied in respect of a

Premium	Amount
	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 earnings<sup>34</sup>**

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<sup>34</sup> 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 earnings<sup>35</sup>**

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<sup>35</sup> 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 disregarded<sup>36</sup>**

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<sup>36</sup> 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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<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>14 December 2022</b>
<b>Title:</b>	<b>Council Tax Base and Non-Domestic Rates income for 2023/24</b>
<b>Report of:</b>	<b>Homira Javadi, Chief Finance Officer</b>
<b>Cabinet member:</b>	<b>Councillor Stephen Holt, Deputy Leader of the Council, Cabinet Member for Financial Services</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>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.</b>
<b>Decision type:</b>	<b>Key Decision</b>
<b>Officer recommendation(s):</b>	<ul style="list-style-type: none"><li>(i) <b>Agree the provisional Council Tax Base of 35,294.8 for 2023/24.</b></li><li>(ii) <b>Agree that the Chief Finance Officer, in consultation with the Portfolio Holder for Financial Services, determine the final amounts for the Council Tax Base for 2023/24.</b></li><li>(iii) <b>Agreed that the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, determine net yield from Business Rate income for 2023/24.</b></li></ul>
<b>Reasons for recommendations:</b>	<b>Cabinet is required to approve the Tax Base which will be used for the purposes of calculating the 2023/24 Council Tax.</b>
<b>Contact Officer(s):</b>	<b>Name: Homira Javadi, Chief Finance Officer Tel: 01323 415512 or email <a href="mailto:Homira.Javadi@lewes-eastbourne.gov.uk">Homira.Javadi@lewes-eastbourne.gov.uk</a></b>

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## **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:

<b>Band</b>	<b>Valuation (at 1 April 1991)</b>	<b>Conversion Factor as proportion of Band D</b>
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 36,461.6 equivalent properties.
- 3.4 The Relevant Amount has increased by 282.10 (0.78%) 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 £1.119m 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 96.8% an increase on the current rate of 96.1%.
- 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 36,461.6 and applying the Collection Rate of 96.8% produces a Council Tax Base for 2023/24 of 35,294.8.

- 5.2 The Council Tax Base has increased by 1.56% compared with 2022/23. This is equivalent to an increase of 548 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 34,754.0, therefore this would represent an increase in assumed Council Tax income of £142k based on the current Band D Council Tax rate of £261.85.

## **6 Business Rate Income**

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 The final amount of business rates income retained by the Council is adjusted by deduction tariff and levy payments.
- 6.7 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.

- 6.8 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.

## **7 Setting the Business Rate Income**

- 7.1 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.

## **8 Business Rate Pooling**

- 8.1 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.

## **9 Collection Fund Performance**

- 9.1 As at 31 March 2022 the Collection Fund showed a net deficit of £11,559,980 (£890,085 Council Tax surplus and £12,450,065 Business Rates deficit). A £9,044,074 deficit is currently being recovered across Council Tax and Business Rates preceptors during 2022/23, leaving a balance of £2,515,906 to be recovered in 2023/24.
- 9.2 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.
- 9.3 Current monitoring figures indicate a surplus by 31 March 2023 of £1,118,788 for Council Tax; this will be revisited in January 2023 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 11.91% share of the total.
- 9.4 The calculation on the Business Rate income element of the Collection Fund currently indicates a deficit balance of £4,117,569 (excluding any 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.

## **10 Outcome expected and Performance Management**

- 10.1 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.

10.2 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.

10.3 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.

## **11 Financial appraisal**

11.1 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.

11.2 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.

## **12 Legal implications**

12.1 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.

12.2 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.

12.3 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.

## **13 Risk management implications**

13.1 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.

## **14 Equality analysis**

14.1 There are no equality implications to this report.

## **15 Conclusion**

- 15.1 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.
- 15.2 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.
- 15.3 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.

## **16 Appendices**

Appendix 1 – Summary of property numbers and Council Base Calculation

## **17 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 2021) form.

**COUNCIL TAX BASE COMPARISON**

**Appendix 1**

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b>NUMBER OF DWELLINGS</b>						
Valuation List at November	47,749	47,841	48,077	48,080	48,368	48,539
Less: discounts equated to properties	(4,817)	(4,989)	(4,891)	(4,956)	(4,986)	(5,073)
<b>Total equivalent property number</b>	<b>42,932</b>	<b>42,852</b>	<b>43,186</b>	<b>43,124</b>	<b>43,382</b>	<b>43,466</b>
Estimated changes in the year	73	165	20	183	109	184
Less: Local Council Tax Reduction Scheme	(5,598)	(5,330)	(5,067)	(5,115)	(4,953)	(4,730)
<b>Total Number of Properties</b>	<b>37,407</b>	<b>37,687</b>	<b>38,139</b>	<b>38,192</b>	<b>38,538</b>	<b>38,920</b>
% increase/(decrease)	N/A	0.7%	1.2%	0.1%	0.9%	1.0%
<b>TAXBASE CALCULATION</b>						
Relevant Amount (Band D Equivalent)	35,145.2	35,384.5	35,742.2	35,777.3	36,179.5	36,461.6
% Collection Rate	97.8%	98.3%	97.5%	96.5%	96.1%	96.8%
<b>Council Tax Base</b>	<b>34,354.4</b>	<b>34,765.3</b>	<b>34,848.6</b>	<b>34,532.2</b>	<b>34,754.0</b>	<b>35,294.8</b>
% growth/(reduction)	N/A	1.20%	0.24%	-0.91%	0.64%	1.56%



<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>14 December 2022</b>
<b>Title:</b>	<b>Eastbourne Carbon Neutral 2030: Annual Report</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning</b>
<b>Cabinet member:</b>	<b>Councillor Colin Swansborough, Cabinet member for place services, climate change, heritage assets and special projects.</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To note progress to date and approve publication of the Annual Update (Appendix 1)</b>
<b>Decision type:</b>	<b>Key</b>
<b>Officer recommendation(s):</b>	<b>(1) To approve the ‘Eastbourne Carbon Neutral 2030’ Annual Update as attached in Appendix 1 for publication on the website</b> <b>(2) For Cabinet to note progress to date on the strategy action plan as contained within Appendix 1</b>
<b>Reasons for recommendations:</b>	<b>To progress towards the aims of achieving Eastbourne Carbon Neutral 2030 as resolved in July 2019</b>
<b>Contact Officer(s):</b>	<b>Name: Kate Richardson</b> <b>Post title: Sustainability Lead</b> <b>E-mail: <a href="mailto:kate.richardson@lewes-eastbourne.gov.uk">kate.richardson@lewes-eastbourne.gov.uk</a></b> <b>Telephone number: 01323 415202</b>

## **1 Introduction**

- 1.1 This paper reports on the progress of the Climate Emergency Strategy adopted two years ago and action plan that was approved by cabinet in November 2020 as a result of the Climate Emergency Declaration made at Full Council in July 2019. The strategy sets out the borough wide vision for Eastbourne Carbon Neutral by 2030 (ECN2030).
- 1.2 Appendix 1 has been brought forward for approval by Cabinet and contains detail that is summarised within this report. The Appendix will be placed as a standalone document on the council’s climate change web page and will sit alongside the full strategy.

- 1.3 The report provides a summary emission report for the year 2021/22 along with a progress summary against the baseline year 2018/19.

The baseline and all subsequent years have been adjusted to account for gas consumption at the Congress Theatre & Welcome Building complex and for gas and electricity consumption at the Sovereign Centre.

- The emissions trend shows that there has been an overall 15% reduction on the baseline year.
- There has been a 16% decrease in emissions from gas consumption and 15% decrease in electricity consumption.
- There has been a reduction in fuel use of just over 15% (this is predominantly fleet diesel)

- 1.4 Scope 3 (indirect) emissions data has been expanded, reporting this year fuel use by 2 contractors- grounds maintenance and housing maintenance. Work continues to improve the amount and quality of the data collected to enable the council to manage and reduce those emissions for which we are responsible.

- 1.5 The carbon footprint of the borough for 2020 has reduced by 14.5% from 2018

For the first time BEIS have reported LA data in CO<sub>2</sub> equivalents but they have only back dated this re-calculation to 2018.

The borough has had an annual reduction of 8% on 2019 emissions.

The Tyndall Centre and the University of Manchester have carried out analysis that recommends a minimum of a 12.3% per year reduction to deliver a Paris aligned carbon budget. The borough as a whole is a long way off meeting this year on year reduction.

- 1.6 Partnership working remains key to the success of any local authority's climate change and carbon reduction ambitions and this is no different for Eastbourne Borough Council. Working with our partners such as: the Eastbourne ECO-Action Network; the Sussex Local Nature Partnership; the South Downs National Park and the Universities of Brighton and Sussex; as well as our neighbouring local authorities and other community groups, we have progressed regional and local projects regarding:

- the decarbonisation of social housing;
- the retrofitting and decarbonisation of private sector housing using LAD grant funding;
- enabled funding bids by others, in particular Treebourne;
- progressed a South East LEP nature based solutions project for carbon capture and biodiversity net gain;
- enabled 53 homes to install PV panels through Solar Together;
- Begun the delivery of 18 electric vehicle chargepoints aimed at residents within 3 of our car parks;

- Enabled the Sustainable Business and Solar Summit to take place in November which was organised by Eastbourne ECO-Action Network volunteers;
- Turned areas of Council land into wildflower meadows;

amongst many other things that are detailed within the update to the Theme Areas and the Action Plan Update within Appendix 1.

## **2 Update to the national policy context**

- 2.1 Ongoing monitoring of the national policy context continues – in light of the change of Prime Minister, recent policy changes and the High Court’s ruling on the government’s Net Zero Strategy – to understand the full implications on the Council’s plans.

## **3 Evidence base update**

- 3.1 The evidence base is updated on page 4 of Appendix 1. It highlights the main climate risks that face the UK, highlights the Climate Action Tracker as a tool for monitoring the government’s progress on mitigation targets, policies and actions, and briefly summarises the findings of the new IPCC report on Climate Change ‘Impacts, Adaptation and Vulnerability’.

Main points to note:

- UK adaptation action has failed to keep up with the worsening reality of climate risk
- Acting now is cheaper than dealing with the consequences later.
- The UK is not on track to meet its net zero by 2050 target due to a lack of practicable policy and real action.
- Climate change has already caused substantial damage and irreversible species and habitat losses.

## **4 Eastbourne Borough Council Carbon Emission Report**

- 4.1 This report provides a summary of the carbon report for the financial year 2021/22 along with a comparison with the baseline 2018/19
- 4.2 From 2018/19 to 2021/22 the Council’s scope 1 & 2 emissions have reduced by 15% in total.

This year we are reporting for the first time, emissions from: the Sovereign Centre- Gas, Electricity and Water; and the gas consumption of the Congress Theatre/Welcome building complex. Due to the scale of the emissions from these two buildings it has resulted in a re-calculation of each year reported to date including the base year. The information in table 1 has been updated as a result and cannot be compared to previous updates.

- There has been a 16% decrease in emissions from gas consumption and 15% decrease in electricity consumption.
- There has been a reduction in fuel use of just over 15%.

- Electricity emissions are reported using the standard grid electricity factor. The Council continues to purchase a REGO backed green tariff supply.

**Table 1. Eastbourne Borough Council emissions table**

<i>Emissions source</i>	<i>Tonnes CO2e</i>			
	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
<b>Gas</b>	2941	3094	2194	2484
<b>Liquid Fuel</b>	815	751.9	779	690.5
<b>Electricity</b>	902.5	880	613	772
<b>Total</b>	<b>4658.5</b>	<b>4725.9</b>	<b>3586.0</b>	<b>3946.5</b>

## **5 Scope 3 emissions**

- 5.1 The Council continues to expand upon its Scope 3 emissions reporting. This year's report is contained within Table 3 of Appendix 1.

The Council acknowledges that our greatest source of emissions will be from our purchasing and contracting and continues to improve reporting methods. The Council is starting to include clauses in contracts requiring suppliers to report emissions attributed to the contract. We aim to include similar clauses in more contracts moving forward.

Certain emissions, for example from the cleaning contract will no longer be sought for Scope 3 reporting as these services have been brought in-house so the emissions will, from 2022/23 fall under the Council's Scope 1 & 2

## **6 Eastbourne Borough Carbon Emissions Summary**

- 6.1 This information can be found on page 12 of Appendix 1.

## **7 Airborne Carbon Emissions Estimate 2022**

- 7.1 For the first time this year the Council has collected sufficient data to estimate the carbon emissions that have resulted from the Airborne airshow held over 4 days 18-21 August 2022.

Data was collected from traders (mileage), staff (mileage), display personnel (mileage), waste collected (tonnes), on-site generated power (litres consumed), air display teams (airshow fuel consumption as well as transportation/travel fuel and smoke).

Electricity and water consumption data has not been collected but is accounted for in the scope 2 and scope 3 emissions for the council as reported in section 2 of Appendix 1 and summarised in Table 1 above.

- Audience over the 4 days was estimated at 750,000
- Audience travel forms 96% of the total carbon footprint of the event
- Aircraft displays account for 3.7% of the carbon footprint

- Use of renewable diesel (known also as HVO) prevented 7.5 tonnes of CO<sub>2</sub>e emissions
- A rail strike prevented the audience travelling by train and increased private car use.
- The event showcased the world's first electric plane.

## 7.2 Next steps:

- Create Airbourne Environmental Policy
- Create Action Plan to further reduce environmental impact
- Continue to work towards a greener future and sustainable tourism
- Determine offset policy and offset 2022 emissions if possible.

## 8 The Climate Emergency Strategy -Theme and Action Plan Update

8.1 The strategy currently contains 67 actions across 8 action areas. please see the full spreadsheet in section 5 for more information of actions within each area. 47 actions (70%) are currently reported as green, 16 (24%) are amber and 4 (6%) are red.

Please see Appendix 1 (page 28 onwards) for the full updated action plan.

## 9 Financial appraisal

9.1 There are no immediate Financial Implications arising from this report. However, many of the actions within this plan will have financial implications for the Council. Before proceeding with any of them, financial evaluation will be undertaken to assess the costs and benefits. As work develops and further funding is required, schemes will be subject to individual business cases as appropriate in compliance with the Council's Budget and Capital Strategies. The need to pursue and secure external grant funding, collaborating with other organisations is recognised.

## 10 Legal implications

10.1 The Climate Change Act of 2008 legally binds the government to carbon budgets that set limits on the UK's greenhouse gas emissions during five-year periods. They include a target to be over three quarters of the way to net zero in the next 13 years. 'Net zero' means that the amount of greenhouse gas emissions in the UK is equal to or lower than the amount of greenhouse gases removed from the atmosphere in the UK. The UK has also committed internationally to reduce its emissions by at least 68% by 2030 from 1990 levels, as part of its 'Nationally Determined Contribution' (NDC) under the Paris Agreement.

In October 2021, BEIS issued The Net Zero Strategy, which sets out the government's policies and proposals to ensure the UK continues to meet its carbon budgets under the Climate Change Act 2008 and achieves its nationally determined contribution (NDC) under the Paris Agreement. It also sets out the government's vision for a decarbonised economy in 2050.

In 2022, ClientEarth joined with Friends of the Earth and Good Law Project in applying for a judicial review of the Net Zero Strategy, on grounds that the

government had failed to show that its policies will reduce emissions sufficiently to meet its legally binding carbon budgets.

They also alleged that the Strategy failed to include enough information about the policies and their expected effects to allow Parliament and the public to Page 60 properly scrutinise its plans. In consequence they held these failings meant the Government had breached its legal duties under the 2008 Act.

In its July 2022 judgment, the court found that the Secretary of State had failed to comply with his obligations under the Climate Change Act 2008 s.13 and s.14 in relation to the government's Net Zero Strategy. He had made decisions on whether the proposals and policies in the strategy would enable carbon budgets to be met without being briefed upon crucial information about the contribution to reductions in greenhouse gas emissions from individual policies. In reporting to Parliament under s.14, he had also failed to explain how his policies were intended to meet emissions targets.

The government must now update its climate strategy to include a quantified account of how its policies will actually achieve climate targets. These will have to be based on a realistic assessment of what it actually expects them to deliver. The updated strategy will have to be presented to Parliament for scrutiny by MPs.

As mentioned at paragraph 2.1 above, the Council should keep au fait with these developments to ascertain what implications there could be at borough level.

*Legal advice dated 28.11.22*

*Legal ref: 010465-EBC-OD*

## **11 Equality analysis**

- 11.1 An Equality Analysis already exists for this topic : Cabinet paper November 2020: [Eastbourne Carbon Neutral 2030: A Plan for Action](#)

Further analysis is done on a project by project basis.

## **12 Environmental sustainability implications**

- 12.1 The strategy is key to delivering the carbon neutrality goal of Eastbourne borough Council by 2030.  
It will seek to ensure that carbon implications are taking into account throughout the Council and in all decisions.

Implementation of actions to achieve carbon neutrality is key to mitigate the predicted negative impacts of climate change on the environment, economy and communities.

## **13 Appendices**

- Appendix 1 – Eastbourne Climate Emergency Annual Report- December 2022

## 14 Background papers

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

- Cabinet paper November 2020: [Eastbourne Carbon Neutral 2030: A Plan for Action](#)
- Cabinet Paper November 2021: Eastbourne Carbon Neutral 2030: Annual Update Report 2021

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# EASTBOURNE

## Carbon Neutral 2030

Eastbourne Borough Council

- Carbon Emissions Report
- Strategy Update



December 2022

# Eastbourne Borough Council: Eastbourne Climate Emergency Strategy Update

December 2022

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## 1. Introduction

This update report on the progress of the Eastbourne Carbon Neutral 2030 Strategy adopted in November 2020 provides an overview of how work has progressed on the initial action plan and how this work has evolved over the last year. It provides a brief update to the evidence base and reports on the projects that have been delivered by the council, the community and in partnership.

The council provides a summary emission report for the year 2021/22 along with a progress summary against the baseline year 2018/19.

The borough emissions are reported using publicly available data produced by Department for Business Energy and Industrial Strategy (BEIS). BEIS data is national and consistent over many years but only consists of scope 1 (direct emissions from fuel use) and 2 (electricity consumed) emissions within the local authority boundary, it is reported, for the first time, in units of carbon dioxide equivalent (CO<sub>2</sub>e).

No analysis is carried out on the borough data and it is provided for monitoring purposes only this year. A more in-depth analysis of borough emissions will be carried out in 2024/25. This should enable a review of the figures pre, during and post COVID-19 lockdowns.

For the first time the council has completed an estimate of the emissions attributed to the Airbourne event held 18-21 August 2022. This can be found on page 16

## 1.1 Evidence base update- Climate Risks

In June 2021, the UK's Climate Change Committee published the Adaptation Committee's Independent Assessment of UK Climate Risk. The priority climate change risks are summarised briefly below and the summary for England can be found here:

<https://www.ukclimaterisk.org/wp-content/uploads/2021/06/CCRA-Evidence-Report-England-Summary-Final.pdf>

A useful animation to explain this report can be found at:

<https://www.ukclimaterisk.org/newsroom/animation-independent-assessment-of-uk-climate-risk/>

Key notes from this assessment:

Adaptation action has failed to keep up with the worsening reality of climate risk

- The gap between the level of risk we face and the level of adaptation underway has widened.
- The UK has the capacity and resources to respond effectively but has not yet done so.
- Acting now will be cheaper than dealing with the consequences later.
- Eight risk areas require urgent attention
  - Risks to viability and diversity of terrestrial and freshwater habitats & species
  - Risks to soil health from flooding and drought
  - Risks to natural carbon stores (such as soil and woodland)
  - Risks to crops, livestock & commercial trees
  - Risks to supply of food, goods and services due to collapse of supply chains & distribution networks
  - Risks related to failure of the power system
  - Risks to health from heat
  - Multiple risks to the UK from impacts occurring overseas

### Mitigation

The Climate Action Tracker (<https://climateactiontracker.org>) is a useful tool to track 39 governments' climate actions and measures against the Paris Agreement to pursue efforts to limit global warming to 1.5°C. It quantifies and evaluates mitigation targets, policies and action.

The UK Government's evaluation is summarised as 'Almost Sufficient'. The net zero target by 2050 is evaluated to be acceptable though the current policies and action mean that **the UK is not on track to meet its target**. The UK's country summary can be found here:

<https://climateactiontracker.org/countries/uk/>

### Adaptation

The main update this year to our national and global evidence base is that of the Intergovernmental Panel on Climate Change (IPCC) Working Group II report on the assessment of the impacts of climate change, looking at ecosystems, biodiversity, and human communities at global and regional levels. It also reviews vulnerabilities and the capacities and limits of the natural world and human societies to adapt to climate change. [Climate Change 2022: Impacts, Adaptation and Vulnerability](#).

Key notes from this report:

The extent and magnitude of climate change impacts are larger than estimated in previous assessments.

- Climate change has caused substantial damages, and increasingly irreversible losses.
- Hundreds of local losses of species have been driven by increases in the magnitude of heat extremes. Some losses are already irreversible.
- Climate change including increases in frequency and intensity of extremes, have reduced food and water security, hindering efforts to meet the Sustainable Development Goals.
- There are increasing negative impacts on the health and well-being of our societies, increasing damage to infrastructure due to flooding and storms as well as increasing damage to key economic sectors across Europe.
- Overall negative impacts are outweighing positive gains as a result of the changing climate.
- Global warming, reaching 1.5°C in the near term (2021-2040), would cause unavoidable increases in multiple climate hazards and present multiple risks to ecosystems and humans.
- Near-term actions that limit global warming to close to 1.5°C would substantially reduce projected losses and damages related to climate change in human systems and ecosystems but cannot eliminate them all.

## 2. Eastbourne Borough Council Carbon Emissions Report

This report provides a summary of the carbon report for the financial year 2021/22 along with a comparison against the baseline 2018/19.

### 2.1 Methodology

We have calculated the baseline using the Greenhouse Gas (GHG) Protocol methodology and the appropriate annual conversion factors for each year issued by the Department for Business, Energy and Industrial Strategy (BEIS). By using this method and these figures we are ensuring that the baseline emissions we measure can be reported accurately every year to 2030 using a peer reviewed and agreed process.

Eastbourne Borough Council generally uses the 'operational control' approach to define the organisational boundary and to inform the emissions inventory boundary described in the table below.

It should be noted however that with regards to metered gas and electricity, all sites, regardless of who operates the site, are considered to be in scope 1 or 2 if the council is responsible for paying the bills (even if these costs are re-charged to the leasee) AND for maintaining the premises. Where these conditions are not met the sites will sit within scope 3, for example, Towner Art Gallery.

Scope 1 and 2 emissions form the organisational baseline and are considered to be directly controllable by the council.

Category	Description	Data used in this analysis
Scope 1	Direct emissions from sources owned or controlled by Eastbourne Borough Council	Metered gas data (for buildings where the Council pay the gas bills) Litres of fuel consumed for fleet vehicles and machinery
Scope 2	Indirect emissions from the generation of energy purchased by Eastbourne Borough Council	Metered electricity data (for buildings where the Council pay the electricity bills)
Scope 3	Indirect emissions that result from other activities that occur in the value chain, either upstream or downstream	As per table 3

## 2.2 Data summary & review

April 2018 to March 2022

**From 2018/19 to 2021/22 the council's scope 1 & 2 emissions have reduced by 15% in total.**

Table 1 provides a breakdown of emissions by source.

This year we are reporting for the first time, emissions from: the Sovereign Centre- Gas, Electricity and Water; and the gas consumption of the Congress Theatre/Welcome building complex. Due to the scale of the emissions from these two buildings it has resulted in a re-calculation of each year reported to date including the base year. The information in table 1 has been updated as a result and cannot be compared to previous updates.

- There has been a 16% decrease in emissions from gas consumption and 15% decrease in electricity consumption.
- There has been a reduction in fuel use of just over 15%.
- Electricity emissions are reported using the standard grid electricity factor. The council continues to purchase a REGO backed green tariff supply.

Graph 1 visually describes the main sources of emissions each year.

The effect of the COVID-19 lockdowns is most obvious here as is the consumption increase as a result of returning to normal. An in-depth analysis of emission trends will occur in 2024/25 in order to allow emissions to stabilise and better reflect normal operations.

Gas remains the bulk of emissions and the most affected by the lockdown reduction as a result of reduced building use.

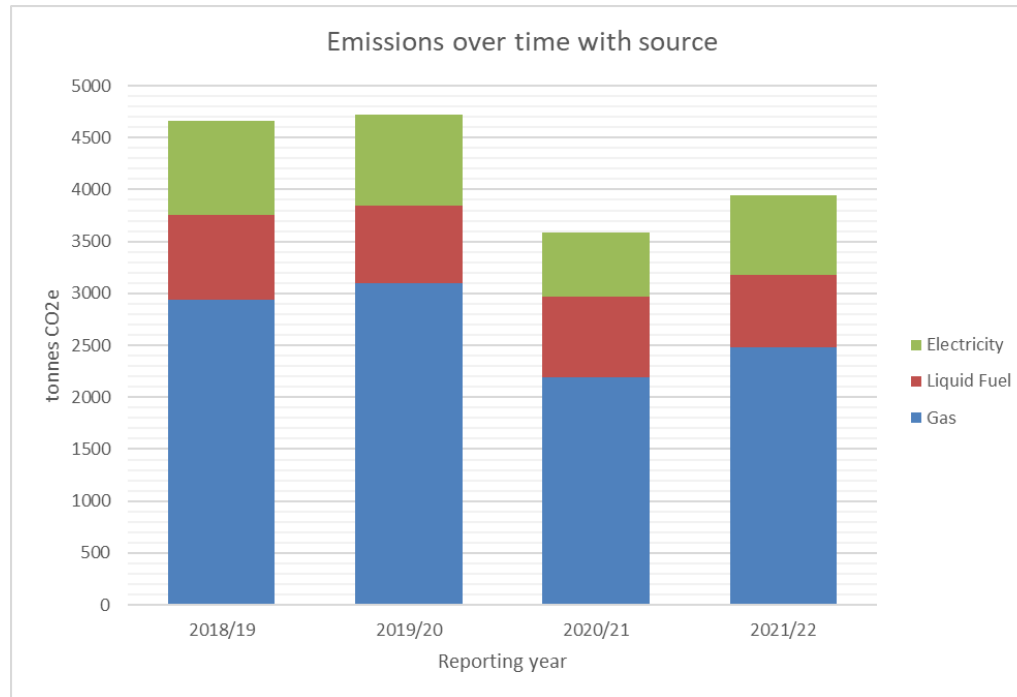
Graph 2 shows the same emission information by operational source.

As the bulk of emissions, gas consumption is further broken and represented by graph 3. Half of all gas consumption (and emissions) is attributed to the Sovereign Centre (30%) and the Congress Theatre/Welcome Building complex (20%). The Sovereign Centre has an on-site Combined Heat and Power unit which generates electricity. This results in a high gas consumption and relatively low electricity consumption.

**Table 1. Eastbourne Borough Council emissions table**

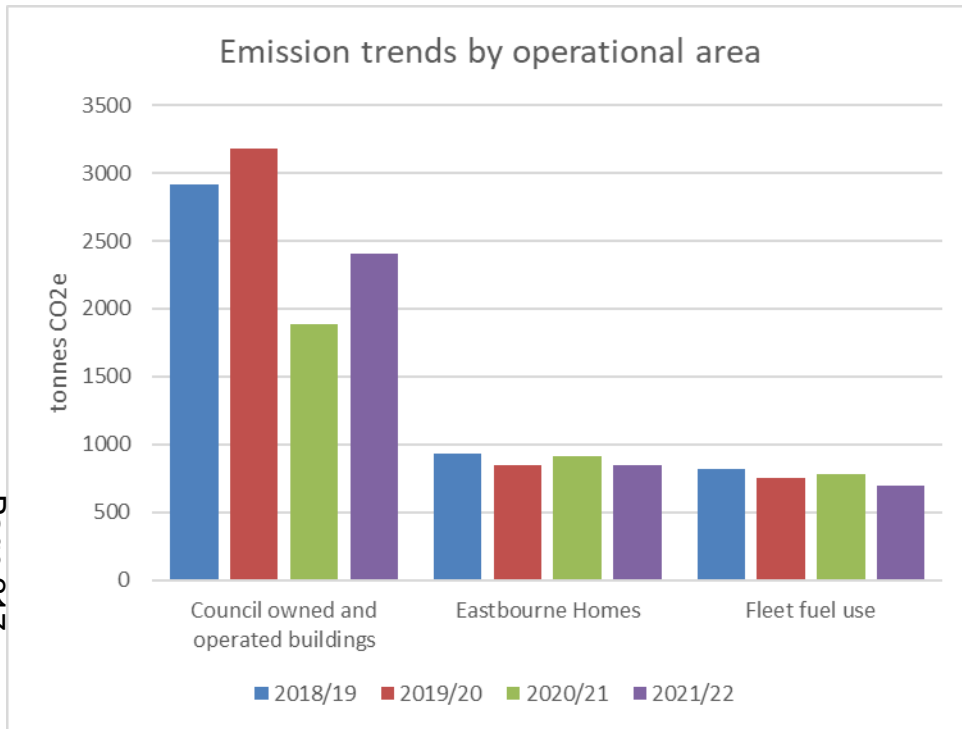
<i>Emissions source</i>	<i>Tonnes CO2e</i>			
	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
<b>Gas</b>	2941	3094	2194	2484
<b>Liquid Fuel</b>	815	751.9	779	690.5
<b>Electricity</b>	902.5	880	613	772
<b>Total</b>	<b>4658.5</b>	<b>4725.9</b>	<b>3586.0</b>	<b>3946.5</b>

**Graph 1. Emissions over time**

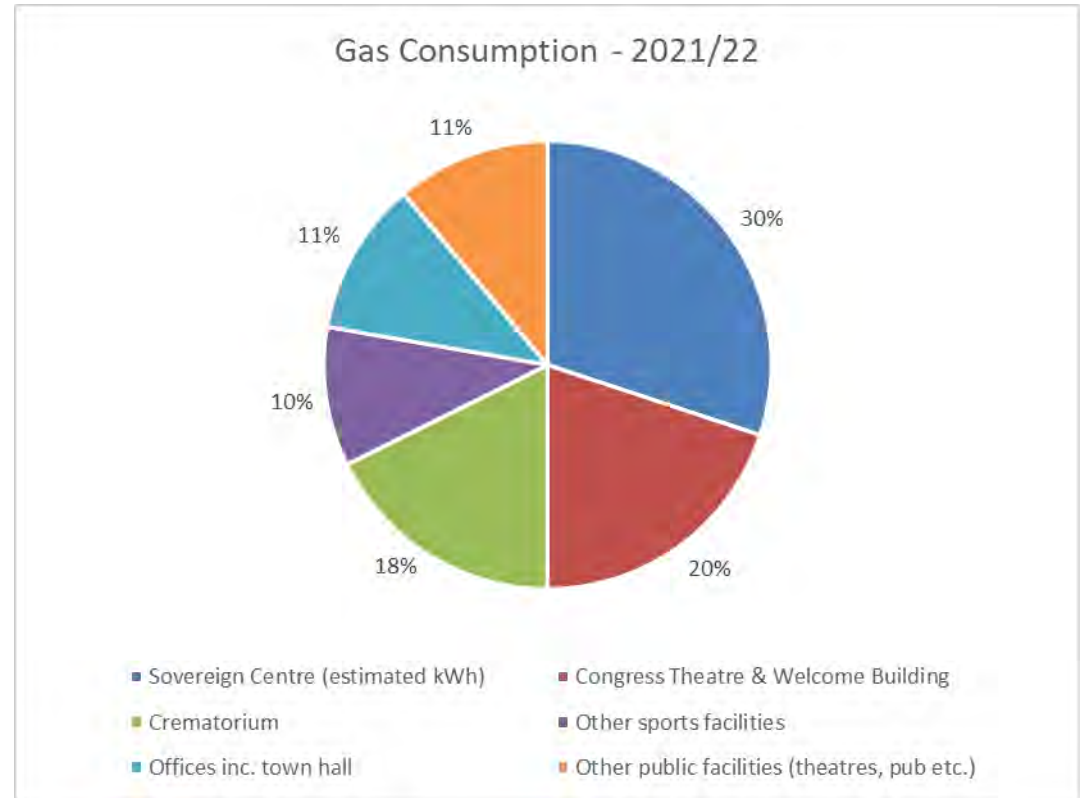




**Graph 2. Emission trends by operational area**



**Graph 3. Analysis of 2021/22 gas consumption**



**Table 2. Consumption vs emissions trends – current year against baseline**

	% change in consumption from baseline year	% change in emissions from baseline year
<b>Gas</b>	15% decrease	16% decrease
<b>Liquid Fuels</b>	12% decrease	15% decrease
<b>Electricity</b>	11% increase	15% decrease

## 2.3 Scope 3 emissions

The council continues to expand upon its Scope 3 emissions reporting.

The council acknowledges that our greatest source of emissions will be from our purchasing and contracting and continues to improve reporting methods. The council is starting to include clauses in contracts requiring suppliers to report emissions attributed to the contract. We hope to include similar clauses in more contracts moving forward.

**Table 3. Scope 3 emissions**

Source	Data source and conversion	2018/19	2019/20	2020/21	2021/22
Electricity transmission & distribution losses (Scope 2)	Utilities consumption information	79	64	53	68
Water supply & treatment	Direct from utility company		39	35	32
Water supply & treatment- Sovereign Centre	Direct from meter reads – (NB. Substantial change/improvement to conversion factors for 2021)	15	15	6	5
Towner Art Gallery - energy use only	Direct from consumption information (gas & electricity)		232	125	153
Staff – Public transport	Revised method 21/22 - Estimated km based on spend (rail assumed at 54p/mile)			0.3	0.8
Staff - Mileage	Calculated using miles claimed and an average petrol car			28	19
Grounds Maintenance contract (vehicle and machinery fuel)					84
Housing Maintenance contract (vehicle fuel) 2021					80
Well to tank (WTT) diesel (litres)			178	213	165
WTT unleaded (litres)			1.4	1.1	0.5
WTT gas oil (litres)					2.4
WTT gas (kWh gross CV)			268	236	276
WTT gas (m3)			134	50	337

WTT electricity generated			104	68	201
WTT electricity transmission & distribution losses			9	6	18
<b>Total (tonnes CO2e)</b>					<b>1442</b>

### 3. Eastbourne Borough Carbon Emissions Summary

<b>Data Source</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
BEIS data- <a href="#">UK local authority and regional CO2 emissions – data tables (excel)</a> 'territorial emissions'	297.6 kt CO <sub>2</sub> Estimate for 2017 has not been updated to CO <sub>2</sub> e	326.8 kt CO <sub>2</sub> e Note: now in CO <sub>2</sub> e	304.7 kt CO <sub>2</sub> e (7% reduction on 2018)	279.4 kt CO <sub>2</sub> e (8% reduction on 2019)

The main source of emissions remains domestic buildings, closely followed by transport.

The Tyndall Centre and the University of Manchester have carried out analysis that recommends a minimum of a 12.3% per year reduction to deliver a Paris aligned carbon budget. The borough as a whole is a long way off meeting this year-on-year reduction.

Their 2021 budget tool suggests a cumulative carbon dioxide emission budget of 2.1 million tonnes for the period 2020 to 2100.

At current rates we will use our entire 80-year budget in less than 7 years.

Eastbourne Borough Council has pledged to help make Eastbourne Carbon Neutral by 2030. We must not be put off by the challenge but must rally together and work together to improve the environment of our town for our residents, children, businesses and visitors now and in the future in order to mitigate global climate change.

## 4. Airbourne Carbon Emission Estimate 2022

For the first time this year, the council has collected sufficient data to estimate the carbon emissions that have resulted from the Airbourne airshow held over 4 days 18-21 August 2022.

Data was collected from traders (mileage), staff (mileage), display personnel (mileage), waste collected (tonnes), on-site generated power (litres consumed), air display teams (airshow fuel consumption as well as transportation/travel fuel and smoke).

Electricity and water consumption data has not been collected but is accounted for in the scope 2 and scope 3 emissions for the council as reported in section 2 above.

Notable points:

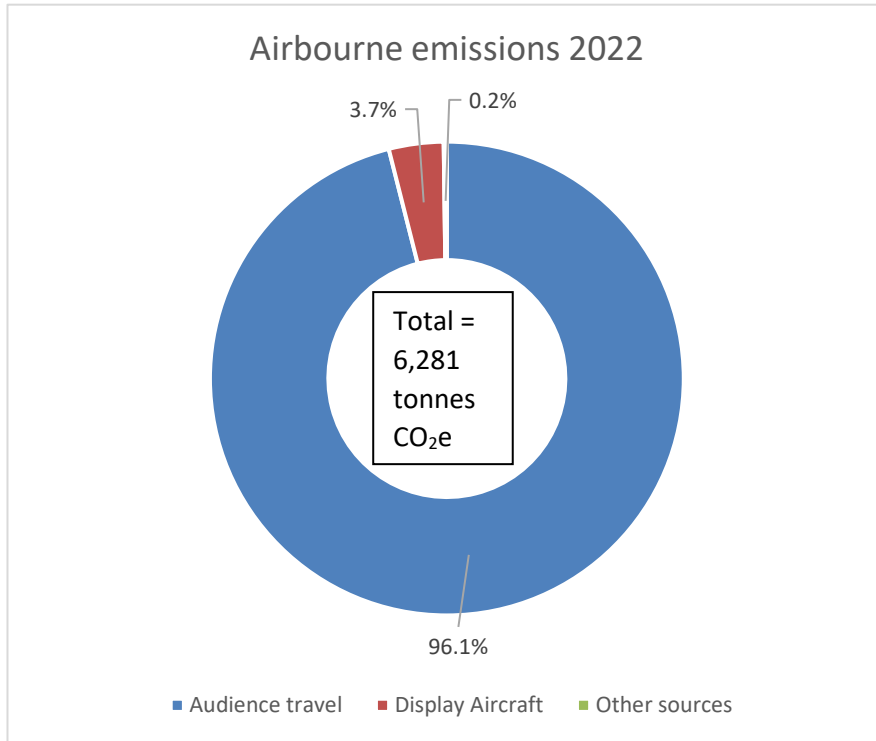
- Mains power was provided to: event control; Airbourne office; Wish Tower catering village. It was also provided to the following sites which have previously been on diesel on-site generated power: stewards rest tent; radio tent; press tent; flight control cabin; Radio Airbourne; medical centre. The mains power is a renewable tariff that is accounted for within the council's scope 2 emissions report.
- Generated power aimed to use renewable diesel (otherwise known as hydro treated vegetable oil[HVO])- some generators were brought to site containing diesel which was consumed on site and subsequent road diesel had to be purchased due to a delayed HVO delivery.

### Use of HVO/renewable diesel for generators prevented the emissions of 7.5 tonnes CO<sub>2</sub>e

- Free mains water was provided with tap locations promoted through the 'Refill not Landfill' campaign.
- Recycling was attempted but unfortunately was 100% contaminated with general waste. All waste was sent to Newhaven Energy Recovery Facility.
- A rail strike occurred whilst the event was on, increasing car travel.
- Cycle parking was provided.
- The event showcased the world's first certified electric plane.
- Traders were prohibited from selling plastic and local traders were incentivised with a pitch fee discount.
- 710 surveys were completed in person or online - the survey asked people various questions about their visit, for example about their travel mode, distance travelled, if they stayed/were residents, recycling and purchasing amongst other things.
- Of those who completed the survey 23% stayed in Eastbourne at least one night. The audience travel emissions are therefore overestimated (so can be considered a worse-case scenario) as the reported emissions have assumed a return journey for each visitor each day.



Estimated Emissions Breakdown



**750,000**  
*estimated audience over 4 days*

<b>Audience related travel emissions over 4 days</b>		
Absolute value	kg CO <sub>2</sub> e	6,033,140
<b>Display Aircraft (transport &amp; display fuel consumed)</b>		
Absolute value	kg CO <sub>2</sub> e	234,433
<b>Other Sources</b>		
<b>Staff related travel emissions over whole event (4 days)</b>		
Motor vehicle (average petrol car)	kg CO <sub>2</sub> e	930
Walk/Cycle	kg CO <sub>2</sub> e	0
<b>Trader &amp; display personnel related emissions (1x return journey)</b>		
Average Diesel van	kg CO <sub>2</sub> e	4855
Average rigid HGV (up to 7.5t)	kg CO <sub>2</sub> e	429
Average petrol car	kg CO <sub>2</sub> e	1765
<b>On-site generators</b>		
Diesel generators- absolute	kg CO <sub>2</sub> e	4611
HVO generators- absolute	kg CO <sub>2</sub> e	108
<b>Waste</b>		
Waste sent to Energy From Waste plant	kg CO <sub>2</sub> e	728
<b>Total emissions:</b>		<b>6,280,999</b>

**Audience travel is the greatest source of emissions**



You are here: Plan Your Visit > Travel

Travel

Travel to Airbourne: Eastbourne International Airshow

### Next Steps

- Create Airbourne Environmental Policy
- Create Action Plan to further reduce environmental impact
- Continue to work towards a greener future and sustainable tourism
- Determine offset policy and offset 2022 emissions, subject to due diligence
- Continue lobbying for better rail services to the town



## 5. The Climate Emergency Strategy - PROJECT CASE STUDIES

Below you will find a selection of key projects recently completed or underway. Some have been delivered by the council, some by the community and some in partnership. This work and the projects currently being planned is fundamental to the delivery of Eastbourne Carbon Neutral 2030.

The strategy currently contains 67 actions across 8 action areas. please see the full spreadsheet in section 6 for more information of actions within each area.

47 actions (70%) are currently reported as green, 16 (24%) are amber and 4 (6%) are red.

### Community Action at the E-Hive

As part of the local community's response to the Climate Emergency, the Eastbourne Climate Coalition opened a pop-up Climate Emergency Hub in the Beacon Shopping Centre on 1st November 2022.



The hub ran seven days a week within normal shopping hours for six weeks until 13th December. It was an opportunity for local residents to engage with many of the local initiatives for reducing the carbon footprint of the town and to discover how to live more sustainably. The hub was named the E-Hive in anticipation of it becoming a place buzzing with excitement about all things eco.

The E-Hive was staffed entirely by volunteers and hosted a range of workshops, displays and presentations, as well as being a welcoming space where people could drop in for a chat and find information about the many local groups working on various local environmental projects. Useful advice, such as how to save energy and reduce fuel bills, or about how to repair, reuse or upcycle items such as pre-loved clothes, was available. Also, some groups provided items for sale, with all profits going to the various local environmental campaigns.





### Solar Together

The Solar Together 2021/22 scheme ran in Autumn 2021 as a 'reverse auction' where building owners/homeowners signed up as interested in installing PV panels and suppliers then bid for the work, with the lowest price winning.

The scheme has seen **53 PV installations** across the borough that is forecast to reduce carbon emissions by over **950 tonnes carbon** in their lifetime

The council hopes to be able to publicise the next scheme later in 2023.



### Decarbonising our Housing Stock (DOHS) Project - Developing the regional market

Homes First manages the council housing stock for Lewes District Council and Eastbourne Borough Council (in partnership with Eastbourne Homes Ltd). Lewes District Council is part of the Greater Brighton Economic Board (GBEB), a partnership between seven local authorities, and in 2021 GBEB established a cross-sector Housing Retrofit Taskforce to work out how we can make homes zero carbon by 2030. Homes First is leading on this work and heads up a team of external specialists including academia, whole carbon experts, retrofit experts and specialists in energy and the supply chain. Eastbourne Borough Council properties will directly benefit from this work as a result of the joint working arrangement with Lewes.

The Taskforce's three objectives are to:

- determine how public sector homes and buildings can take be improved at scale across the region while boosting new skills, quality 'green-collar' jobs, and investment in low carbon industries;
- identify and promote long-term changes to energy usage while also increasing private sector engagement with the whole-lifecycle decarbonisation agenda;
- future-proof the region's homes

Core considerations that underpin the taskforce's decarbonisation decisions include the central role lower energy bills play in tackling poverty and how housing procurement tools can be used at scale to disrupt the current system.

Plans need to be scalable and replicable and work with existing supply chains and budgets. Collectively, to 2030 the GBEB region's councils will spend around £1 billion on repairs and maintenance of council homes. While the region will look for external funding, net zero will largely need to be achieved within a limited budget, not least because procurement needs to be coordinated and long-term to allow the development of a supply chain and local market.

A deep assessment of 10 main types of housing has helped to shape what the future zero carbon pathways could be with the need to balance the cost to the landlord against the benefit to the tenant and whole-life carbon reductions.

The findings will be used to support the best possible decarbonisation strategy and possibly set new standards across the region, provide certainty for the supply chain and private sector, and establish the scale of work needed so that providers can gear up and train local staff. It is also hoped that working at scale will increase purchasing power and reduce unit costs.

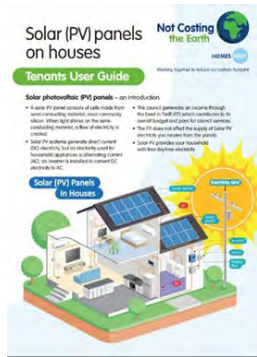
Homes First in partnership with Eastbourne Homes have employed a Community Development and Sustainability Adviser as part of its zero-carbon work. Sustainability messaging is being promoted under the brand 'Not Costing the Earth' to raise awareness with accessible, down-to-earth, non-technical information. Non-technical guides on low carbon hardware such as solar PV panels explain how they work and benefit tenants who have them. The adviser has also worked in tandem with the taskforce, both supporting tenants involved in pilots and evaluating the best ways to engage and communicate with those whose homes are being retrofitted.

### **Council wins Forestry Commission grant to examine using local timber for carbon zero homes**

Eastbourne Borough Council has been awarded a grant of £200k from the Forestry Commission to explore using local timber to create commercial products for the housing retrofit market.

The council successfully applied to the commission's Woods into Management Forestry Innovation Funds which supports innovative projects to encourage bringing more woods across the country into active management. Nationally, around 41% of woodlands are not actively managed and this can impact on biodiversity. This exciting project perfectly combines the council's management of the downland and woodlands around Eastbourne with the commitment to delivering zero carbon homes by 2030.





## Homes First User Guides

The Homes First Team is committed to reducing the carbon footprint of its housing stock. The team have produced guides and resources to support our commitment to reach zero carbon and to help you do the same.

An example of this guidance can be found in our user guide for Solar PV & Air Source Heat Pump (ASHP) User guides, which have been produced to explain how Solar PV on houses and flats can work, and how tenants can get the best value from, along with energy saving advice, tips and contact for help.

To help develop and comment on trialling and piloting carbon neutral solutions to heating and powering homes over the next 1 to 3 years, the Council will additionally focus on tenant involvement and consultations.



## Transport

### Electric Vehicle Chargepoints to be installed into council car parks and Car Club comes to Eastbourne

The council has recently entered into contract with Connected Kerb, one of the UK's leading providers of electric vehicle charging solutions, to rollout fast charging into our car parks. Initially, in 3 car parks across the town, the council aims to install 18 charging bays with an additional bay in the town centre to enable an electric car club vehicle to be installed, by April/May 2023. Further charging opportunities will then be evaluated during 2023/24.



The council is in discussion with a car club provider to install 2 vehicles in the town centre. One will likely be electric and located in one of our car parks whilst the second will be conventionally fuelled and parked on-street. The council hopes these will be in place early 2023.

Paying per trip allows individuals and organisations to access a car without the need to own and maintain it, lowering costs overall. The average UK car is parked up to 95% of the time so cars can be expensive considering how little they are actually used. Car club vehicles are also more likely to be lower carbon and newer than cars that are owned and they can free up resident parking bays in busy town centres by reducing the need for ownership in the area.

## Sussex-Air taxi study project



Sussex Air were successful with their bid for the 2021/2022 Air Quality Grant which included a Taxi Study. The aim of the proposed taxi engagement project is to facilitate a transition to EV vehicles by taxi drivers which will help districts to build an infrastructure that is convenient, reliable and works for the taxi trade and will drive the progression of taxi licensing policies for EV drivers.

The outcomes of the Taxi Study project will provide data for technical and financial feasibility surveys to enable installations of EV charge points and will help inform network planning across the county.

The purpose of the study is to establish the demand for charge points by the taxi community and gather information on driver attitudes towards EV driving. This will include:

- The preferred locations, and speeds for EV charge points to best serve the taxi community – generally and in specifics;
- An indication of when charge points will be required in these locations;
- Insights into key messages to shape engagement plans;
- Direction on ways to offset the cost of purchase/lease for the taxi community.

The study will reflect the needs all taxi drivers, both private hire and Hackney, across Sussex

The study should conclude early 2023



## Workplaces

### Eastbourne Sustainable Business & Solar Summit



#### SUSTAINABLE BUSINESS & SOLAR SUMMIT 2022

Aimed at East Sussex businesses and institutions that are interested in cutting costs and going greener against the backdrop of spiralling energy prices and a target to scale back greenhouse gas emissions by 2030 the successful summit ran on 18<sup>th</sup> November 2022 and attracted approximately 120 attendees.

Expert speakers were brought together from a wide range of companies and organisations, from consultants on business sustainability to solar-PV manufacturers, solar installers, retrofit specialists, community energy groups and central government.

It was an excellent opportunity to share ideas and information about renewable energy, financing options and sustainability through a mixture of presentations, networking opportunities and Q&A sessions.

The event was organised by the Eastbourne Eco-Action Network and supported by the council, Eastbourne Chamber of Commerce and sponsors.



## Biodiversity

### CHANGING CHALK - Connecting nature, people and heritage

Changing Chalk is a partnership of organisations working together towards a sustainable future for the eastern South Downs. Led by the National Trust, the partnership will connect nature, people and heritage by restoring lost habitats, bringing histories to life, and offering new experiences in the outdoors.

Working with the communities of Brighton & Hove, Eastbourne and Lewes we aim to protect and restore the Downs landscape for people to enjoy, for health and wellbeing, for nature's recovery and for climate resilience. The landscape and communities are facing multiple threats. The project area incorporates some of the most economically deprived wards in the UK, with high unemployment and physical and mental ill-health. On the neighbouring Downs, the internationally significant chalk grassland is facing rapid decline, with many of the remaining sites small and fragmented. Many heritage sites that document the story of human settlement on the Downs are also under threat.



Bringing £5m investment to the area, Changing Chalk will respond to these threats by breaking down barriers to participation and creating new opportunities to inspire people to connect with their landscape. We will bring rural and urban landscapes together to reverse the decline of the fragile chalk grassland, inviting local communities to play an active role in caring for its future. Over four years, Changing Chalk will deliver 18 collaborative and inter-connected projects under the themes of **Restoring Chalkland Biodiversity**, **Connecting Downs and Towns**, and **Hearts and Histories of the Downs**. A community grants scheme will be available from 2023, awarding £150,000 to community-led initiatives which help achieve the Changing Chalk objectives and vision.

### Wildflower planting



Eastbourne Borough Council has recently turned 15 areas of council owned land into wildflower and pollinator havens.

We have turned a bowling green, which was heavily dependent on chemicals and weed control into a wildflower meadow, which is great for pollinators as well as looking nice and using a lot less water.

The seed mixes used are especially designed to attract bees and butterflies to encourage our vitally important pollinators.

The ground is prepared using environmentally friendly methods such as foam stream and vinegar based products to give the seeds the best possible chance of germinating and flowering in order to create and enable a new seed bank of more beneficial plants to become established.

The pictures are of the old Princes Park bowling green (left) and Wilmington Square (right).





## Food

### Eastbourne Food Partnership

Eastbourne Food Partnership Director, Andrew Durling, travelled to Westminster this July, for the Sustainable Food Places Day of Action and Celebration at Parliament. The event brought together representatives from food partnerships across the UK and politicians including Eastbourne MP Caroline Ansell, to discuss the importance of local and national food strategies. Taking place less than 24 hours after the hottest UK temperature ever recorded, the relationship between climate breakdown and food systems could not have been more pressing. Inspired by Andy's experiences, Eastbourne Food Partnership is looking forward to working with Eastbourne Borough Council in the coming year to create a local food system in



Eastbourne that is sustainable, resilient and inclusive, to ensure long-term food security for all.

Extreme weather events and crop failures, high profile COP for both climate and biodiversity global action and the publication of Henry Dimbleby's Food Strategy have made the relationship between food systems, climate crisis and biodiversity loss increasingly evident in 2022. In this context, Eastbourne Food Partnership recognises the importance of local food systems for building resilience and empowering communities to access food that is good for our health and our planet. They have spent the year developing their local network of community food initiatives, supporting partners to tackle food waste, increase education around food, and develop growing skills in the community. As the partnership develops, we can expect exciting campaigns around community growing, peri-urban farming and a whole school approach to food. To find out more or to get involved, email [nancy@eastbournefoodpartnership.org.uk](mailto:nancy@eastbournefoodpartnership.org.uk).





## Climate Adaptation



### **Pevensy Bay to Eastbourne Coastal Management Scheme**

The Environment Agency in partnership with Eastbourne Borough Council is developing a new, £100+ million large coastal flood and erosion risk management project for Pevensy Bay to Eastbourne.

This will be one of the largest coastal flood risk projects in the country, as we plan to make Pevensy Bay to Eastbourne resilient to coastal flooding in response to the current climate emergency. The scheme will reduce the risk of flooding and coastal erosion to an estimated 10,000 residential properties as well as key infrastructure, local businesses, heritage sites and nature conservation areas. Along with reducing the flood risk, we will also be looking to increase biodiversity by 20% and reduce the amount of carbon generated throughout the life of the project, by at least 45% with an aim of becoming Net Zero by 2030.



## Carbon Capture

### Jubilee Green Canopy

The Queen's Green Canopy is her chosen way for us to leave a legacy of her Platinum Jubilee - to plant trees and shrubs to celebrate her reign.

In November 2022 we will be planting 70 trees and as many accompanying shrubs alongside the path that rises up Paradise Down from the junction of Paradise Drive and Link Road. We aim to make this a beautiful start to a well-used way up the hill, and a lasting tribute to our late Queen that has many benefits to the environment as well. The escarpment will become a much richer place for wildlife, and a beautiful and engaging place for people. We encourage sponsorship of trees, seating and waymarkers; work with schools and other groups to make the escarpment a place of active enjoyment and connection with nature; encourage and enable people to play a personal part in looking after it.

The Eastbourne Jubilee Green Canopy project is a collaborative venture between:





- Eastbourne Jubilee Green Canopy, a (once registration is complete) Charitable Incorporated Organisation set up specifically to oversee the venture.
- 3VA, a long-established Eastbourne-based voluntary action charity, who will hold the funds, perform all the administrative work, maintain the relationships with other Eastbourne organisations involved in the venture, and work with them to raise additional funds for their specific projects.
- Eastbourne Borough Council, who own the land through which the Avenue runs (having acquired it through an act of parliament in 1929 to protect it for the benefit of the town). EBC will own anything planted or placed on their land – please note that your sponsorship does not give you any rights of ownership.
- Treebourne, Eastbourne’s extraordinarily successful tree-planting charity.
- Eastbourne’s schools, many of whom are keen to have spaces on the escarpment where their pupils can learn to understand and appreciate nature.
- Other local Eastbourne groups with an interest in particular sections of the Avenue. These include the Babylon Woods group, Old Town Library, the Royal Eastbourne Golf Club and Meads Community Association.
- The Towner, who are helping with the design of benches, waymarkers etc, and whose development at Black Robin Farm lies on the track of the Avenue.
- Sussex Wildlife Trust, who are advising on local ecologies.

### Accelerating nature-based climate solutions



**SOUTH EAST**  
LOCAL ENTERPRISE  
PARTNERSHIP

Kent Wildlife Trust are currently delivering a South East Local Enterprise Partnership (SELEP) Project on Accelerating Nature Based Climate Solutions, primarily focussed with carbon sequestration. The project area covers East Sussex, Kent and Essex and there will be a specific case study on Lewes district with Officers working closely with the delivery team to ensure the legacy of the project.



Work undertaken as part of this project aims to:

- Provide an understanding of the demand for nature-based projects from local authority climate emergency plans and the local businesses seeking to invest in local carbon offsetting.
  - Assess the ‘readiness’ of nature-based organisations to develop and deliver nature-based projects for carbon sequestration and identify gaps in skills, knowledge and capacity that stand in their way.
  - Produce resources to support the development and delivery of a coherent nature-based carbon sequestration offer.
  - Begin to develop demonstration projects to showcase innovation and good practice.
- e) Understand what a SELEP-wide ‘brokerage hub’ might look like and begin to create a framework that can bring together ‘buyers’ and ‘sellers’ to co-develop nature-based carbon sequestration projects.

## Birds2BHeard

Eastbourne has a growing population of young people who care passionately about the future of the planet. The town's current youth activism builds on a legacy created by young residents over 25 years ago.

The Birds2BHeard project was inspired by 'Leave It To Us' the first United Nations Children's Conference on the Environment which took place in Eastbourne in 1995. The idea for this pioneering international conference was conceived by local children. Over 800 delegates attended from 87 countries putting Eastbourne on the world stage as a centre for youth environmental activism.

In 2020, to mark the 25<sup>th</sup> anniversary of this remarkable event, pupils from West Rise Primary School, Pashley Down Infants School and Gildredge House Free School decided to communicate their concerns about the environment to the then prime-minister Boris Johnson in the form of paper birds. This example of youth-initiated art activism inspired a further 5,000 children from 20 Eastbourne schools to make paper birds each bearing their distinctive messages to world leaders attending the 2021 COP26 Conference on Climate Change. A huge flock of paper birds arrived in Glasgow, appearing at the conference and taking part in the youth march and rally and the global day of action march.

The Birds2BHeard paper birds have now returned home to Eastbourne and were displayed at Towner Gallery Sept-Oct 2022, to draw attention to the November 2022 United Nations Climate Change Conference.



## Treebourne

Treebourne continues to go from strength to strength. This season will see the planting of a further 500 street trees across Eastbourne under their Greening Eastbourne Streets programme. A number of one-day tree-planting events in the town's open spaces will give volunteers the chance to get involved in person, and make a positive change to our natural environment. And the blossoming Seeds4Kids programme provides an exciting opportunity for the younger generation to engage. This autumn, an incredible 5000 young people from local schools and youth groups will be using Treebourne kits to gather and germinate seeds of local native tree species. The thousands of trees they grow can be moved to one of Treebourne's tree nurseries, or planted out at sites around the town over the next 2 to 3 years, as Treebourne continues its campaign to turn Eastbourne green.



**Left** - Volunteers at Treebourne tree care event this summer.

**Below left** - Seeds4Kids kits arriving at Parklands School   **Below right** - Treebourne member watering one of our street trees



6. Action Plan Update 2022

Action Plan Update December 2022

1. Housing & Energy									
Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions -to be undertaken and delivered by the council</b>									
1.1	Maintain asset register with up to date social housing stock condition surveys	Provides baseline information to enable retrofit and long term planning		BAU		Can be delivered using existing resources	Ongoing- BAU	Will continue to maintain and update asset register to ensure data is as up to date as possible.	Green
1.3	Action 1.2 has been removed and replaced by revised 1.3- Develop and deliver the project plan (and long-term housing asset management plan) to decarbonise all social housing based on findings and experience of the Decarbonising Our Housing Stock project	Completed trials/pilots of new techniques and technology to reduce the emissions of social housing, method is agreed to evaluate remaining stock for correct retrofit measures, plan to retrofit all housing stock has been developed	Short-term 2022-2024	Medium Term 2025-2027		£500k allocated from HRA	Outline plan by March 2023	Looking to create a 4-8 year plan (up to 2030) that supports the asset management plan. An outline plan should be available by March 2023	Green
1.4	Explore collaboration on joint Social Housing Decarbonisation Fund bid to test joint working. If successful consider scaling up for major works.	Best value is achieved through collaborative working, best solutions are determined and method is agreed to deploy retrofit measures, initially as pilots with a plan developed for roll out of appropriate solutions across the portfolio	Short-term 2022-2024			Delivery costs to be determined once plan is prepared	Mar-24	Initial work of taskforce has been completed with update report due to go to GBEB in October 2022. From this the board will consider most appropriate action for future collaboration. A key outcome for the taskforce is to pursue solar PV.	Green
1.5	Complete the Non-Housing Asset Management Strategy and carbon reduction plan (inc. work through Reset & Recovery Programme)	The strategy will enable a long-term plan to be developed to reduce energy consumption and increase power generation on our housing assets	Short-term 2022-2024			Strategy can be delivered using existing resources- *Funds for energy surveys have been requested for 23/24 *Condition surveys funding - TBC	Apr-24	Stock condition surveys have been completed for Wave assets. Condition surveys for other buildings are currently unfunded. Energy surveys are key to progressing the decarbonisation plans and budget has been requested for 2023/24 but condition surveys are also helpful to determine the suitability of the building for energy efficiency works as well as from a health & safety need. See below (1.6) also.	Amber
1.6	Deliver the carbon reduction plan for non-housing assets	Non-housing assets are energy efficient and generating energy		Medium Term 2025-2027	Long Term 2027-2030	Delivery costs to be determined once plan is prepared *Funds for external consultancy support with regards to bids has been requested for 23/24	TBC - depends on budget allocation	Work occurring ad-hoc as funds allow- no strategic plan due to reliance on grants. Positively, a new dedicated Energy Manager post has been created (but not yet recruited into) which will embed carbon reduction into non-housing asset management plans and forward the production & delivery of these plans as well as enabling the development of grant bids as they arise. Reliance on grants however, will risk achievement of plan aims to reduce emissions by 2030.	Amber
<b>Enabling Actions- these actions by the council will enable others to reduce emissions</b>									
1.5	Develop an ongoing programme of awareness raising and promotion of energy efficiency initiatives, especially in fuel poor and hard to reach communities	Educate and raise awareness, those most vulnerable benefit from energy efficiency advice and measures	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	Ongoing	Guides developed on solar PV on house, solar PV on flats and retirement schemes, air source heat pumps. Not Costing the Earth webpage developed. Regular tenant engagement through events and newsletters.	Green
1.6	Promote the Solar Together solar panel purchasing project or other similar retrofit schemes as and when they occur to support the 'able-to-pay' market	Private sector homeowners have easier access to retrofitting advice and suppliers	Short-term 2022-2024			Can be delivered using existing resources	Ongoing	Very successful scheme run in 2021 with 53 installs in Eastbourne expected to save over 950tonnes carbon during their lifetime. Aiming for next auction in Summer 2023 (subject to due diligence)	Green

1.7	Support and facilitate the Warm Home Check Service (East Sussex) scheme	Fuel poverty on the borough reduces		Medium Term 2025-2027		Can be delivered using existing resources	Ongoing	The East Sussex Warm Home Check service is a preventative service commissioned by East Sussex Public Health that offers advice, home visit assessments, provision of small preventative measures and coordination/installation of major heating and insulation measures (subject to sourcing of external funding). The service offers advice to residents in all tenures but delivers home visits (at least 500 per year), small measures and coordination of major improvement measures only to households in private tenures. Scheme currently delivering various streams of funding up until contract ends in 2024	Green
1.8	Explore collaboration on joint Social Housing Decarbonisation Fund bid to test joint working. If successful consider scaling up for major works.	We can get better value for money by collaborating with other authorities	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2025	As 1.4 above	Green
1.9	Work in collaboration with others to advertise and develop bids for the Governments Green Homes Grant and associated funding streams	Private sector housing can access funds to help retrofit and improve energy efficiency	Short-term 2022-2024			Can be delivered using existing resources	2025	Comms has been undertaken throughout the year to advertise schemes as they arise. Due to the limited amount of funding available, advertising of the current LAD3/HUG fund has been limited as the scheme has sufficient incoming referrals to not require active marketing. Home Upgrade Grant 3 (HUG3) grant bid being developed- will include homes not on gas. Unsure as to how much Eastbourne homes will benefit at this time. LAD1b scheme being completed regionally through Warm Home Check Service. Council will continue to support bids and advertising when appropriate.	Amber
1.10	Support the roll out of smart meters through promotion of the SmartEnergyGB scheme	Supports transition to smart energy grid and makes energy use more visible to residents which enables reductions	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	Ongoing	Will continue to be publicised as needed.	Green
1.11	Work with the LEPS to deliver the South2East Energy Strategy	South2East Energy Strategy Outcomes met and decarbonisation at a regional level is progressed	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	Ongoing	Involvement at working group level continues	Green
1.12	Implement the actions defined in the Eastbourne Housing Strategy 2020-2024- section B3 'Promoting access to housing that meets modern standards	Housing standards in the rented sector improve	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2024	Currently observing Hasting Minimum Energy Efficiency Standards pilot. Funding and staffing will need to be provided if a similar scheme is to be implemented in Eastbourne.	Amber
<b>Indicator</b>		<b>Method/data source</b>	<b>Outturn 2021</b>						
HE.1	Carbon dioxide emissions from domestic dwellings	From (March) 2022 BEIS Local & regional emissions data table	2017: 137.7 ktCO <sub>2e</sub> 2018: 133.3 ktCO <sub>2e</sub> 2019: 127.4 ktCO <sub>2e</sub> 2020: 125.3 ktCO <sub>2e</sub>						
HE.2	Average SAP rating of Eastbourne Borough Council Housing Stock	Outturn from Eastbourne Homes Ltd. asset database.	2021 data: 71.2 (EPC rating = C) 2022: 73.27 (EPC rating = C)						
HE.3	Percentage of fuel poor households in the borough	Outturn from East Sussex in Figures dataset	2018= 8.5% (LIHC definition) 2019= 8.5% ( new LILEE definition) 2020: 10.3%						
HE.4	Solar PV generation: number of sites and total generation capacity	BEIS regional renewables statistics 2014-2021	2019: 1,362 installations generating 5.7 MW 2020: 1379 installations generating 5.8MW 2021: 1416 installations generating 6MW						

2. Transport									
Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions</b>									
2.1	REVISE WORDING- Procure supplier of electric vehicle chargepoints and produce delivery plan	The council can make a decision as to how to progress with increasing charging infrastructure in the town and a new project delivery action will be created if this goes ahead	Short-term 2022-2024			Can be delivered using existing resources	Aug-23	Completion of procurement was late but the council is now in contract. Surveys underway and grant applications submitted. Delivery expected early 2023 for 3 sites to install 18 public and overnight chargepoints	Green
2.2	Complete Phase 1 of the waste and recycling vehicle fleet review	Optimisation of routes and fleet reduction	Short-term 2022-2024			Can be delivered using existing resources	2022	Routes are optimised for current collection schedule- alternate weekly schedule in place in certain areas.	Green
2.3	Produce pathway to decarbonise the remaining fleet vehicles operated by the Council	Low carbon fleet.		Medium Term 2025-2027	Long Term 2027-2030	Pathway can be delivered using existing resources- Fleet decisions to be costed at the appropriate time	2030	The waste and recycling vehicle replacement strategy was approved at Cabinet in June 2022, endorsing the plan to move to a zero-emission-at-tailpipe fleet by 2030. The first phase is to rebody/reuse the existing RCV collection fleet. Next will be to procure electric food waste collection vehicles for 2025, subject to government New Burdens Funding support and depot upgrade.	Green
2.4	Work in partnership with ESCC to deliver new cycling and walking initiatives as detailed in the Draft East Sussex Local Cycling & Walking Infrastructure Plan (LCWIP) and seek opportunities for funding.	Additional cycling and walking routes	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2026	Consultation on some routes completed 2021. Continued issues with town centre routes with decision around the banning of cycles due imminently.	Amber
2.5 (NEW)	Produce pathway to decarbonise non- RCV fleet vehicles operated by the Council (small & medium vans, cars, other vehicles)	Plan to move to a low carbon fleet		Medium Term 2025-2027		Fleet decisions to be costed at the appropriate time	end 2023	Lessons from waste fleet work being shared to enable Neighbourhood First fleet decarbonisation plan to be produced by end of 2023.	Green
<b>Enabling Actions</b>									
2.6	Facilitate setting up a commercial and/or community car-share club with a low carbon vehicle	Residents can car share instead of owning their own vehicle- reduces vehicle numbers in town and provides control over type/efficiency of vehicle used.	Short-term 2022-2024			Can be delivered using existing resources	ASAP	EV car club vehicle due to be installed in Hyde Gardens car park, Regular petrol car due to be installed on-road East of town centre early 2023 subject to final confirmation and installation of chargepoint and parking spaces.	Green

2.7	Work with contractors to decarbonise fleet vehicles working our contracts	The wider town's fleet is decarbonised	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2026	To be addresses as contract arise- some contracts are now coming in-house so will fall under Council's decarbonisation pathway.	Amber
2.8	Work with EEAN CIC to set up road closures under the auspices of school streets/play streets	Rat runs are potentially reduced, streets are made safer for walking and cycling especially at school drop off/pick up times	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	On-going		Amber
2.9	Organise lobbying work on transport issues required at a county level and nationally, in partnership with EEAN	Coherent lobbying is delivered by both community groups and Councillors to achieve transport decarbonisation aims	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	Ongoing	Ownership has been agreed with Cllr Swansborough as our representative at ESCC and active lobbying continues.	Amber
2.10	Work with ESCC to understand and overcome any barriers to setting up a Quality Bus Partnership (QBP) and see a QBP or simialr established for the town/area	A QBP would provide confidence to service providers to invest in services and enable the improvement of bus infrastructure- the result of this should be increased public transport use	Short-term 2022-2024			Can be delivered using existing resources	2023	This East Sussex Bus Service Improvement Plan (BSIP) has been produced in Sept 2022 & sets out ESCC plans and supporting policies to improve bus services, working in close cooperation with our neighbouring Local Transport Authorities and with stakeholders representing local bus operators, statutory consultees, community and business voices, bus passengers, and the voluntary and health transport sectors. Councillors are currently reviewing this document.	Amber
2.11	Develop a pathway to a low carbon taxi fleet	Reduced carbon emissions and improved air quality.	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2026	Working with Sussex Air on a grant funded taxi study- The aim of the proposed taxi engagement project is to facilitate a transition to EV vehicles by taxi drivers which will help districts to build an infrastructure that is convenient, reliable and works for the taxi trade and will drive the progression of taxi licensing policies for EV drivers. The outcomes of the Taxi Study project will provide data for technical and financial feasibility surveys to enable installations of EV charge points and will help inform network planning across the county. Currently at inception stage.	Green
	<b>Indicator</b>	<b>Method/data source</b>	<b>Outurn 2021</b>						
TR.1	Carbon dioxide emissions from transport	From (March) 2022 BEIS Local & regional emissions data table	2017: 96.8 ktCO <sub>2e</sub> 2018: 93.8 ktCO <sub>2e</sub> 2019: 92.3 ktCO <sub>2e</sub> 2020: 75.6 ktCO <sub>2e</sub>						
TR.2	Number of Council enabled electric vehicle chargepoints	Number of completed installs each financial year	2021/22 = zero to date- 18 planned to August 2023						



**3. Workplaces and Tourism**

Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions</b>									
3.1	Transfer the council to a green electricity provider	100% of electricity supplied will be REGO backed energy that will qualify a 100% reduction in carbon emissions from consumed electricity	Short-term 2022-2024			Can be delivered using existing resources	Completed	Tariff started on 01 October 2020	Green
3.2	Complete the Council Non- Housing Stock Condition Surveys and subsequent possible Asset Management Strategy	The Council will know the condition of assets and which it will retain long term so we can plan to reduce emissions		Medium Term 2025-2027		Can be delivered using existing resources	end 2025	As per 1.5 above. Stock condition surveys have been completed for Wave assets. Condition surveys for other buildings are currently unfunded. Energy surveys are key to progressing the decarbonisation plans and budget has been requested for 2023/24 but condition surveys are also helpful to determine the suitability of the building for energy efficiency works as well as from a health & safety need.	Amber
3.3	(Combined with 3.4) Develop and deliver a carbon reduction plan for all non-housing assets	Plan allows for structured and planned delivery to meet carbon neutrality goal	Revised timeline	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	2026	As per 1.6. Work occurring ad-hoc as funds allow- no strategic plan due to reliance on grants. Positively, a new dedicated Energy Manager post has been created (but not yet recruited into) which will embed carbon reduction into non-housing asset management plans and forward the production & delivery of these plans as well as enabling the development of grant bids as they arise. Reliance on grants however, will risk achievement of plan aims to reduce emissions by 2030.	Red
3.5	(REVISED WORDING) Introduce sustainability criteria into council procurement policies with weighting given to tenderers with proven sustainability policy	Support for sub-contractors with green credentials to work with LEC	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2023	Planned to be incorporated into procurement training programme for 2023.	Amber
3.6	Offset the emissions from Airbourne 2022	A temporary solution to the emissions of Airbourne until the tourism decarbonisation plan is in place		Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	2030 (timescale amended to fit target)	Draft carbon emission report has been prepared. Once published a policy, action plan and subsequent decision on offsetting through tree planting will be made.	Green
3.6a	Gain better data over next 18 months, at a variety of events now a more normal schedule is resuming post COVID	The Council has a clear understanding of the carbon and environmental impact of it's events	Short-term 2022-2024			Budget will need to be found to fund data gathering	2024	More data is now being collected. 710 surveys completed at Airbourne. Data is being collected from traders/attendees at events such as Magnificent Motors but this is a work in progress. Budget issues in relation to formal survey work of audience.	Amber
3.7	Eliminate use of Single Use Plastic (SUP) at EBC operated events and third party events supported by EBC wherever possible	Reduced plastic waste. EBC events no longer hand out SUP water bottles or carrier bags. Vendors are instructed not to either		BAU		Can be delivered using existing resources	BAU	All SUP banned from our events with the exception of bottled water (old stock). All third party events in 2023 will be banned from using SUP. Where this is not possible, exceptions to be discussed with the events team on a case by case basis.	Green

3.8	Eliminate use of SUP at customer facing venues such as Cafes, Visitor Services and heritage service sites	Reduced plastic waste. Visitor Services switched to paper bags and introduced free water refill scheme. Cafes selling glass vessels, biodegradable takeaway cups and paper straws	Short-term 2022-2024			Can be delivered using existing resources	2022	SUPs still in occasional use at Devonshire Quarter albeit this is plant based. Plant based plastic not yet composted.	Amber
3.9	Reduce harmful chemicals used in the upkeep of the grounds at Devonshire Park and Eastbourne Downs Golf Course (EDGC)	Alternatives with reduced environmental impact are constantly to be investigated	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2026	Research into alternatives is ongoing. Glyphosate is no longer used at any site looked after by grounds team.	Amber
3.10	Replace diesel fuelled handtools used in the upkeep of the grounds at Devonshire Park and EDGC with electric alternatives	Reduced emissions from diesel and fuel oil		BAU		Finance to be determined if existing resource is insufficient	BAU	As budget allows. All replacement hand tools now electric.	Green
3.11	Reduce water usage at Devonshire Park through collection of moisture data for targeted irrigation	Reduced emissions from water use		BAU		Can be delivered using existing resources	Completed	Targeted irrigation now BAU	Green
3.12	Eliminate use of unsustainable paper for printed marketing materials	Reduced emissions from consumption of paper products		BAU		Can be delivered using existing resources	Completed	Now BAU	Green
3.13 (new)	Replace diesel or fuel oil large machinery with electric alternatives (with electricity on a green tariff)	Reduced emissions from diesel and fuel oil		Medium Term 2025-2027	Long Term 2027-2030	Finance to be determined if existing resource to replace machinery is insufficient	2030	The grounds team would entertain the push towards electric machinery where possible but finances do not allow this at the current time.	Red
<b>Enabling Actions</b>									
3.14	Develop a tourism decarbonisation plan	Low carbon tourism is encouraged and developed to support economic recovery		Medium Term 2025-2027		Can be delivered using existing resources		Airbourne plan to be completed initially, based on 2022 data. Resources are currently very stretched. A standalone plan is unlikely for some time. Resources to be focussed on collecting data to enable the carbon footprint of events to be determined. We will continue to make improvements where we have influence and resource allows. -	Amber
3.15	Promote public transport for tourists into Eastbourne	Reduced emissions from visitor transport	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources		Promotion occurs online. Airbourne 2022 unfortunately occurred at same time as rail strikes.	Green
3.16	Develop comprehensive training and guidance for staff on climate change and carbon reduction. Also- specific training to ensure decisions properly take into account the carbon emission implications	All staff will improve their environmental awareness to enable carbon reductions in their work and private life. It will be clear to Councillors, officers and the public the carbon consequences of all decisions	Short-term 2022-2024			Can be delivered using existing resources	End 2024	Work behind schedule due to staff changes and limited resource	Red
	<b>Indicator</b>	<b>Method/data source</b>	<b>Outurn 2021</b>						
WP.1	% change in carbon emissions from Eastbourne Borough Council Operations	Scope 1 & 2 emissions for 20/21 compared to baseline year 18/19	15% Reduction						
WP.2	Indicator revised: Carbon Footprint of events	Airbourne 2022	Airbourne emissions are currently in draft. More data collection been trialed.						
WP.3	Number of staff to have undertaken carbon reduction training	TBC	Zero- training being finalised						

4. Biodiversity									
Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions</b>									
4.2	Local Plans – work closely with Planning Policy and planners to achieve biodiversity wording that is fit for purpose and ambitious to arrest declines	Green and biodiversity beneficial Local Plans.	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2025	The Green Consultancy (GC) team works closely with Planning Policy to ensure the current evidence-gathering exercise for the new Local Plan reflects the themes and priorities within the council's Biodiversity Strategy.	Green
4.3	Council Officer training in biodiversity	Decision makers are better informed about biodiversity and	Short-term 2022-2024			Can be delivered using existing resources	2024	The Green Consultancy team works extensively with colleagues to enhance the biodiversity offer within their plans and schemes. An online training package is being developed	Green
4.4	Reduced mowing practices	Improved habitat for insects		BAU		Can be delivered using existing resources	BAU	BAU	Green
4.5	Reducing the use of pesticides	Improved habitat for insects		BAU		Can be delivered using existing resources	BAU	Parks contractor does not use pesticides	Green
4.6	Increase wildflower and pollinator planting where suitable	Improved habitat for insects		BAU		Can be delivered using existing resources	BAU	Wildflower seed planting continues e.g. a wildflower meadow established at Princes Park, Spring 2022, on the nature-depleted site of a former bowling green, bringing biodiversity enhancements to an area where pesticides had previously been used and grass repeatedly trimmed.	Green
4.7	Provide direct assistance when required to tree planting projects at suitable sites such as those currently being delivered by Treebourne at Tugwell Park and Sevenoaks Recreation Ground	Carbon capture and improved biodiversity.	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	BAU	EBC works closely with Treebourne to deliver tree care and planting across the town. Also the Queens Green Canopy will be tree planting autumn 2022 at the entrance to the Downs. 17257 trees planted <a href="https://treebourne.org/">https://treebourne.org/</a>	Green
<b>Enabling Actions</b>									
4.8	Develop pipeline of projects for biodiversity net gain and offsetting	Increase in biodiversity and projects enabled		Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	2030	Regional network being established by LNP to further enable this. SELEP regional project underway.	Green
4.9	Review land holdings for possible projects	Internal and Partnership projects enabled	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2022	COMPLETED - This review has been key to the success of planting projects with Treebourne at Tugwell and Sevenoaks	Green
4.10	Develop a programme of works on EBC land to increase joining up of biodiversity corridors & ecological networks	Increase in biodiversity Improved well being of residents	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Resources to be determined on project basis	Ongoing	Funding sources are being explored for hedging on Downland as connectivity between woodlands, which could extend into the urban environment	Green
4.11	Support Changing Chalk bid and project if successful	Community ranger for countryside/nature/downland education and involvement		Medium Term 2023-2026		Can be delivered using existing resources	2024	This bid was successful and the ranger for Eastbourne has been recruited. Meeting with the GC team planned, September 2022, to ensure alignment of work plans and priorities	Green

4.12	Continue to work with community groups, education and communication	Community groups encouraged and work progressed	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	On-going	The Council continues to work with EEAN and other local groups within the town as resources allow.	Amber
4.14	Increase public access into Eastbourne Park	To enable opportunities for: appreciation of nature; educational experiences ; and outdoor exercise	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2024	Funding pending government approval for Shinewater kiosk and facilities to improve public access, education and appreciation	Green
<b>Indicator</b>		<b>Method/data source</b>	<b>Outturn 2021</b>						
BIO.1	Number of trees planted (as per CC.1)	Organisational records	2020-21: Treebourne have planted 14000 trees; EBC have planted 96 street trees 2021/22: Treebourne 1000 street trees and 2000 whips at Old Mansion Close; EBC- 153 (includes the 48 planted as part of the Lord Lucas cherry project) So total EBC arranged and found funding was 105 (12-14cm girth trees)						
BIO.2	Biodiversity improvement/gain as a result of actions undertaken	TBC	N/A						
BIO.3	% net biodiversity gain achieved on development sites	TBC	N/A						
BIO.4	% of SSSI's (Sites of Special Scientific Interest) in a favourable condition	Local Authority Monitoring Report 2021 (update due Dec 2022)	2018/19= 71.4% 2020/21= 71.4%						
BIO.5	Number of planning applications infringing on identified habitats, designated sites or reserves	Local Authority Monitoring Report 2021 (update due Dec 2022)	2018/19= 24 2020/21= 21 PA's abutted a designated site or reserve (none directly infringed) and 8 abutted identified habitats and 4 directly infringed a habitat.						
BIO.6	% of housing units delivered on previously developed land	Local Authority Monitoring Report 2021 (update due Dec 2022)	2018/19 = 99.2% 2019/20 = 96.5% 2020/21 = 88.3%						
<b>5. Food</b>									
<b>Action reference</b>	<b>ACTION</b>	<b>OUTCOME</b>	<b>TIMEFRAME</b>			<b>RESOURCES</b>	<b>Date for completion</b>	<b>Annual update November 2022</b>	<b>Update to status-green/red/amber</b>
<b>Direct Actions</b>									
5.1	Support local food growing initiatives by making suitable land available and incorporating it into our work with social housing tenants as part of DOHS	More residents can access local food and grow their own		BAU		Can be delivered using existing resources		Completed - Homes First Community Growing Spaces - Guidance and Application Process Approved by Asset Management Board, piloted and live on website: <a href="https://www.lewes-eastbourne.gov.uk/housing/zero-carbon-and-renewables/">https://www.lewes-eastbourne.gov.uk/housing/zero-carbon-and-renewables/</a>	Green
<b>Enabling Actions</b>									
5.2	(REVISED WORDING)- Support the Eastbourne Food Partnership in developing and meeting their aims, including enabling food networks	More residents have access to local food	Short-term 2022-2024			To be determined		New food partnership co-ordinator has met with Strategic Panel- next step to meet and discuss the roles for EBC within the group and support as resources allow.	Green
5.3	Support initiatives that promote or enable low carbon and nature-friendly farming locally eg South East Downs Farm Cluster	Although there is minimal agriculture within Eatsbourne itself- this wider working will facilitate local (Sussex) food production	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources		SDNP supporting farming sector within National PArk to understand and reduce carbon footprint- deliver through farm cluster groups. Internally needs planning and resourcing for this to occur proactively. Though conversations with landowners occur frequently on various environmental topics there is no specific work underway by the Council on this.	Amber
<b>Indicator</b>		<b>Method/ data source</b>	<b>Outturn 2021</b>						
FD.1	Area of land that has been made available for food growing	Council records	None to date						

6. Waste									
Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions</b>									
6.1	Comprehensive public consultation exercise to engage residents in recycling more	Recycling rates increase- target of 45% for 21/22	Short-term 2022-2024			Can be delivered using existing resources		This was conducted summer 2020 and is now BAU with the Reduce Reuse Recycle bulletin issued to 15,000 inboxes on a regular basis	Green
6.2	Review waste & recycling service provision to align them with the requirements of increasing recycling and decreasing residual waste.	We recycle more than we incinerate, and our collection methods and schedules enable that and champion it.	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources		Alternate weekly collections were introduced April 2021. EBC's recycling rate has increased by 6% since	green
6.9	Continue with planned communications with regular emphasis on food waste reduction eg. 'How to use Christmas leftovers', and general reduce, reuse, recycle messaging	We recycle more than we incinerate, and our collection methods and schedules enable that and champion it. Recycling rates increase- target of 45% for 21/22		Ongoing		Can be delivered using existing resources	Ongoing	BAU - RRR bulletins and social media posts	Green
<b>Enabling Actions</b>									
6.4	Promote and enable the REFILL (and Plastic Free) campaign	The public has easier access to drinking water to reduce the need to buy single use bottles.	Short-term 2022-2024			Can be delivered using existing resources	On-going/periodically in summer months	Ongoing as required.	Green
6.6	Help develop local reuse and repair schemes which divert waste, for example Freegle, Freecycle, repair cafes etc.	Encourages a local circular economy and these schemes provide the most help and benefit to people in greater need.	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	Can be delivered using existing resources	Ongoing	Re-use encouraged through RRR and ECN bulletins- Officers actively engaged with relevant charities	Green
6.7	Work with community groups to facilitate litter picks and when possible provision of equipment	We have a clean town		Ongoing		Can be delivered using existing resources	Ongoing	Ongoing, with funding established for litter pick equipment through the Litter and Fly Tipping Reduction Strategy	Green
<b>Indicator</b>		<b>Method/data source</b>	<b>Outturn 2021</b>						
W.1	Total amount of waster produced	Waste data flow	2018/19 = 34,713 tonnes 2019/20 = 46,992t 2020/21 = 48,879t 2021/22 = 35,380t						
W.2	% of waste recycled	Waste data flow	2018/19 = 35.2% 2019/20 = x % 2020/21 = 32.8% 2021/22 = 38.9% (forecast TBC)						

7. Climate Adaptation									
Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions</b>									
7.1	Complete the new Local Plan and ensure that planning policies and guidance reflect our carbon neutral ambition	New development is low carbon, energy efficient and is resilient to future climate change		Medium Term 2025-2027		Can be delivered using existing resources	2024	The Green Consultancy (GC) team works closely with Planning Policy to ensure the current evidence-gathering exercise for the new Local Plan reflects the themes and priorities within the council's Biodiversity Strategy.	Green
7.4	Partnering with Treebourne to plant street trees	Reduced urban heat island		Ongoing		Can be delivered using existing resources and as funding streams arise	Ongoing	EBC officers and Cllrs have established an excellent partnership approach to working with Treebourne, providing support in supply advice and logistics	Green
<b>Enabling Actions</b>									
7.2	Ensure planning policy reflects the need to avoid substantial development on flood plain	Essential flood plain is retained and flood risk is minimised	Short-term 2022-2024	Medium Term 2025-2027		Can be delivered using existing resources	2025	Working on evidence gathering for the Local Plan to ensure flood risk mitigation	Green
7.5	Pevensey to Eastbourne Coastal Management Scheme	Risk of flooding reduced to 10,000 homes as well as key infrastructure & businesses, nature & heritage sites. 20% increase in biodiversity and net zero carbon generated from project by 2030.	Short-term 2022-2024	Medium Term 2025-2027	Long Term 2027-2030	EBC/Environment Agency	2024 to have designed the project pathway plan	100 year 100 million project has started will help reduce the risk of flooding to more than 10,000 properties outline business case between EA and EBC- first round of public engagement events took place in April 2022, more public engagements this autumn/winter	Green
	<b>Indicator</b>	<b>Method/data source</b>	<b>Outturn 2021</b>						
CA.1	Number of units approved contrary to Environment Advice regarding flooding	Local Authority Monitoring Report 2020 (update due Dec 2021)	2018/19= zero 2021/22 = zero						
<b>8. Carbon Capture</b>									
Action reference	ACTION	OUTCOME	TIMEFRAME			RESOURCES	Date for completion	Annual update November 2022	Update to status-green/red/amber
<b>Direct Actions</b>									
8.1	Determine our method to enable local carbon offsetting	The residual borough emissions at 2030 are offset using local projects		Medium Term 2023-2026	Long Term 2027-2030	Methodology can be delivered using existing resources- Financial resources for offsetting to be determined and agreed as part of this work	2026	See also 4.8 - Regional network being established by LNP to further enable this. SELEP regional project underway.	Green
<b>Enabling Actions</b>									
8.2	Continue to provide project support for partnership projects, including expertise, volunteer management and fund raising support	Partners projects are enabled and supported to achieve multiple outcomes dependent on project	Short Term 2020-2022	Medium Term 2023-2026	Long Term 2027-2030	Can be delivered using existing resources	On-going where resources allow	Ongoing support of Treebourne (see action 4.7 and others associated with trees within the Biodiversity section). See also- Changing Chalk project action 4.11	Green
8.3	Provide suitable land to enable tree planting and re-wilding	Carbon capture through trees, increased biodiversity, improved mental wellbeing, increased summer shading	Short Term 2020-2022	Medium Term 2023-2026			On-going where resources allow	See actions 4.9 & 4.10	Green
	<b>Indicator</b>	<b>Method/data source</b>	<b>Outturn 2021</b>						
CC.1	Number of trees planted (as per BIO.1)	Organisational records	2020-21: Treebourne have planted 14000 trees; EBC have planted 96 street trees 2021/22: Treebourne 1000 street trees and 2000 whips at Old Mansion Close; EBC- 153 (includes the 48 planted as part of the Lord Lucas cherry project) So total EBC arranged and found funding was 105 (12-14cm girth trees)						
CC.2	Value of annual offsets	TBC	£ = None Carbon offset = 0 tonnes						

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>14 December 2022</b>
<b>Title:</b>	<b>Planning Local Validation List</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning</b>
<b>Cabinet Member:</b>	<b>Councillor Colin Swansborough, Cabinet Member for Climate Change, Place Services and Special Projects</b>
<b>Wards:</b>	<b>All Wards</b>
<b>Purpose of the report:</b>	<b>To seek Cabinet approval for the adoption and publication of the Council Local Validation List that outlines the supporting and evidential requirements of planning applications.</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Officer Recommendation:</b>	<b>1) To agree the publication and use of the Draft Local List of Planning Application Requirements contained in Appendix 1 &amp; 2</b> <b>2) To provide delegated authority to the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Planning and Infrastructure, to make minor or technical amendments to the Planning Local Validation List to its publication or as otherwise required following publication.</b>
<b>Reasons for recommendation:</b>	<b>1) To publicise the Council's expectation for the delivery of a robust planning application validation process.</b> <b>2) To make minor amendments to address technical, drafting issues or to take account of changing legislative requirements.</b>
<b>Contact Officer:</b>	<b>Name: Leigh Palmer</b> <b>Post Title: Head of Planning</b> <b>E-mail: <a href="mailto:leigh.palmer@lewes-eastbourne.gov.uk">leigh.palmer@lewes-eastbourne.gov.uk</a></b> <b>Tel: 07939 57 82 35</b>

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## **1. Introduction**

- 1.1 Attached is the Council's proposed Planning Local Validation List.
- 1.2 Following the establishment of Planning First it has given the opportunity to set out the Council's approach to improving the validation process of planning applications.
- 1.3 This document has been produced to assist users of Eastbourne Borough Council's Planning service when submitting applications for planning permission or other similar consents.
- 1.4 On 6 April 2008 the Government introduced a mandatory Standard Application Form (1APP) accompanied by changes to the procedures involved in the validation of applications.
- 1.5 There are two elements to the new validation requirements:
  - A national list of mandatory information that must be submitted with every planning application; and
  - A local list of additional information that will be required when making an application to Eastbourne Borough Council.
- 1.6 The 1APP Form and associated National and Local lists form part of the Government's drive to provide a quicker, more predictable, and efficient planning service.
- 1.7 The Local List clearly sets out the information requirements for different types of planning applications within Eastbourne Borough Council.
- 1.8 As a result, the Local List validation criteria include:
  - When/why information is needed.
  - What sort of information is required.
- 1.9 Each of the Local List items have been assessed against the principles and criteria for local list preparation in terms of necessity, precision, proportionality, fitness for purpose and assistance in accordance with the Government advice within paragraph 193 of the NPPF and following the advice on 'Streamlining the planning application process: consultation' June 2013 and 'Development Management Policy Annex: Information Requirements and Validation for Planning Applications' (2010).
- 1.10 The local list formalises the submission of information that is required before applications can be registered. Therefore, everyone involved in the planning application process will enjoy greater certainty and consistency as to what information is required to accompany different applications.
- 1.11 The level of information needs to be proportionate to the size and type of application and the local list intends to require only information that is necessary to the consideration of the application.



- 1.12 This latest review of the Local Validation List reflects recent changes in national and local planning policy and guidance in respect of the inviting scheme promoters to engage with the recent suite of 'Technical Advice Notes' covering such issues as sustainability in construction, biodiversity nett gain on development sites and other evidential requirements that would support National policy direction alongside the Councils corporate plan.
- 1.13 The latest review of the Local Validation List was subject to targeted consultation with the Planning Users Group (a body of agents, architects and interested parties) who act as a critical friend to the services that Planning First provide. The list reflects the feedback from this group.

<b>2.</b>	<b>Local List Validation Requirements</b>
2.1	<p>The list is in two parts and attached to this report (in appendix 1 &amp; 2) and sets out the local validation requirements. For each item, the following guidance is given:</p> <ul style="list-style-type: none"> <li>• Where and when the item of information is required,</li> <li>• What the policy background of the need is.</li> </ul>
2.2	<p>It should be acknowledged that this list identifies the documents required to accompany planning applications before they are validated. Whilst guidance is provided for each item, the nature and extent of the information required will depend upon the individual site and proposal.</p>
<b>3.</b>	<b>Corporate Plan and Councils Policies</b>
3.1	<p>Effective operation and application of this local validation list will ensure that the quality of the applications initially received will be supported by enhanced evidential material.</p>
3.2	<p>Several the requirements of the Local Validation will support the Council's priorities in the Corporate Plan and assist in the recommendation of all planning applications, especially those that are determined at planning committee.</p>
3.3	<p>The enhanced supplemental material at validation stage should result in the imposition of fewer conditions at the end of the application processes. This would support the prompt implementation of consented schemes and thereby help to support the local economy.</p>

4.	<b>Financial Appraisal</b>
4.1	The implementation and the application of the local validation list will be used by the existing staffing structure and therefore there are no financial implications of this report.
5.	<b>Legal Implications:</b>
5.1	<p>Section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 requires the council to maintain an up-to-date local list and ensure it is published on the local planning authority's website. It also provides that the information requested with a particular planning application must be:</p> <ul style="list-style-type: none"> <li>• reasonable having regard, in particular, to the nature and scale of the proposed development; and</li> <li>• about a matter which it is reasonable to think will be a material consideration in the determination of the application.</li> </ul>
5.2	<p>The recommended process for reviewing and revising local lists involves the following 3-step process:</p> <ul style="list-style-type: none"> <li>• <b>Step 1: Reviewing the existing local list</b> Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan or published guidance that explains how adopted policy should be implemented. Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.</li> <li>• <b>Step 2: Consulting on proposed changes</b> Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.</li> <li>• <b>Step 3: Finalising and publishing the revised local list</b> Consultation responses should be considered by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website. Information requested with a particular planning application must meet the statutory tests introduced by the Growth and Infrastructure Act. Paragraph: 044 Reference ID: 14-044-20140306 Revision date: 06 03 2014</li> </ul>

<b>6.</b>	<b>Risk Management Implications</b>
6.1	The following risk will arise if the recommendations are not implemented and the following mitigation is proposed.
6.2	<u>Risk:</u> if not implemented, the advice, polies and procedures within the local validation list would potentially result in delay and ad-hoc processing of applications requiring the need for the imposition of a number of conditions at the end of the process placing additional burdens on the scheme proposer. This would result in an inconsistent service.
	<u>Mitigation:</u> That the recommendations of this report are approved, allowing the publication of the Local Validation List, which outlines the Council's expectations for how the validation of applications should be addressed.

<b>7.</b>	<b>Equality Analysis:</b>
	An Equality Screen has been completed in conjunction with this report. Although the proposals are unlikely to impact on protected groups, taking steps to ensure that all supporting and evidential material is requested on a proportionate basis should help to ensure that all sectors of the community, landscape and biodiversity are evaluated by the application process.

<b>8.</b>	<b>Environmental Sustainability Implications</b>
8.1	By seeking to influence how planning application validation is undertaken and to ensure that planning permissions are monitored and adhered to will ensure that where appropriate actions will help to meet the target of zero carbon by 2030.

<b>9.</b>	<b>Appendices</b>
	Appendix 1 – Further Detail on Local Information Requirement Planning Appendix 2 Local Validation Requirements

<b>10.</b>	<b>Background Papers</b>
	None

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# Draft Local List of Planning Application Requirements

## APPENDIX 1

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### Introduction

This document is an appendix to, and is to be read in conjunction with, the Local Area Requirements for Planning Applications for Lewes District Council & Eastbourne Borough Council.

It provides more detailed guidance on the quality and content expected of different information requirements within the Local List of Planning Application Requirements. It is intended to assist applicants in providing suitably detailed and relevant information to ensure that the Local Planning Authority has the requisite information to fully understand and assess planning applications. Applications that contain good quality and relevant information are likely to result in fewer delays in the planning application process.

### 1) Planning Statement

**Justification** – To enable the applicant to demonstrate that the development complies with national and local planning policy, and any material planning considerations.

The Planning Statement should set out how the proposed development conforms to national and local planning policy.

Depending on the scope and nature of the proposed development, the type of application and the sensitivity of the proposed development location, the Planning Statement may vary in format from a short summary to a detailed document that includes commentary on all planning issues relevant to the proposal.

- A description of the site (including access, existing uses and landscape, ecological and built features) and its surroundings (including any relevant historic, ecological and landscape designations or uses that may be a constraint);
- A description of the proposed development and a summary of any impacts of the development (including the activities that will be carried out on the site, hours of operations, phases of the development, physical dimensions, proposed appearance, vegetation affected, any proposed planting, and any other associated features or information necessary to describe the development and establish the impacts);
- Reference to the relevant national and development plan policies and other guidance, and an assessment as to how the proposal is in accordance with these relevant policies and other guidance;
- When the justification and need of a proposal is considered to be a material planning consideration, reference to why the applicant considers there is a valid need should be included;
- A description of how the proposal meets the three dimensions of sustainable development and how any negative social, economic and environmental effects of the development will be mitigated and the positive effects enhanced;
- For variations of conditions/minor material amendments, what changes are proposed and why;
- Any details of pre-application discussions and wider consultation with the community and statutory consultees; and
- A summary of the conclusions and recommendations of reports and research contained as part of the application, reflecting on the links and interactions between the issues covered, and stating clearly which recommendations are being taken forward

(providing the detail of implementation) and which recommendations are not being taken forward and why.

## 2) Design and Access Statement

**Justification** - Statement to accompany and justify the proposal in a structured way.

### Planning Applications

Design and Access Statements must:

- (a) explain the design principles and concepts that have been applied to the proposed development; and
- (b) demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

The level of detail required will depend on the scale and complexity of the application. The design and access statement should explain the design principles and justification/reason for particular designs that have been applied to particular aspects of the proposal.

It should include the evolution of the design prior to submission, the rationale behind the scheme and how it meets the criteria of the Development Plan. The proposed use and amount of development proposed its scale, layout, landscaping, lighting, and overall appearance; and how issues relating to access to the development have been dealt with including wheelchair accessible development. Include information on how the design of the development contributes to achieving sustainable development, particularly in terms of climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional greenspace, protection and enhancement of biodiversity, waste reduction and recycling, water efficiency, flood risk management, and the use of recycled materials. The statement should also demonstrate how the development has complied with the energy hierarchy in terms of working towards zero carbon development, by focusing on energy efficiency first, followed by the provision of on-site renewable energy generation and other off site large scale solutions as necessary.

Design and Access Statements must also explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

### Listed Building Consent Applications

Design and Access Statements are required for all applications for listed building consent. Design and Access Statements accompanying applications for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works and how they have taken account of:

- (a) the special architectural or historic importance of the building;
- (b) the particular physical features of the building that justify its designation as a listed building; and
- (c) the building's setting.

Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant's approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account.

Statements must also explain how the applicant's approach to access takes account

of matters (a)-(c) above. Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed.

### **3) Statement of Community Involvement**

**Justification** – To enable developers to show how they have engaged with the community prior to the submission of their planning application.

For larger-scale major applications or potentially controversial development proposals, the Council expects developers to engage with relevant stakeholders, including the local community and Ward Members where appropriate.

The Statement of Community Involvement should outline how consultation was undertaken, the responses which were received and how these comments have been taken into consideration.

A Design Review Panel meeting is strongly recommended for applications proposing 30 or more residential units, 10,000 square metres of non-residential floorspace or any application which may be considered to be of a controversial nature and or propose a unique or 'special' form of architectural interpretation.

### **4) Environmental Statement for EIA Development**

**Justification** – To ensure that the environmental impacts of certain types of developments (EIA development) have been fully considered.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Schedule 4 of the above regulations sets out the information that should be included in an Environmental Statement (ES). For developments that are listed in Schedule 1 or meet the criteria and/or thresholds of Schedule 2 of the above regulations, developers are encouraged to request an "EIA Screening Opinion" from the Local Planning Authority, prior to the submission of a planning application, to determine whether a development is "EIA development" and requires an ES. In cases, where a full ES is not required, it is expected that any relevant information will be covered by submission of the relevant documents in the Local Validation List.

### **5) Biodiversity/Ecological Assessments**

**Justification** – To ensure that applicants have considered the impacts on habitats and protected species.

Information should be provided on existing biodiversity interests and the possible impacts on them. This will allow full consideration of those impacts to be considered. Information will be needed to support proposals that include mitigation and/or compensation measures.

The Technical Advice note on biodiversity net gain issues should be populated and supplied alongside the application.

Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats for any species protected under the Wildlife and Countryside Act 1981, or the Protection of Badgers Act 1992. Certain proposals which include work involving the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

Information on designated sites can be found via <http://www.naturalengland.org.uk/>

Applicants should provide a Preliminary Ecological Appraisal (PEA) (Phase 1 Survey and any necessary Protected Species or Habitat Surveys (Phase 2 Surveys) as identified in the PEA.

The Council operates under a District Licensing Scheme for Great Crested Newts. If you intend to enter this scheme, you should do so prior to submission of the planning application and submit the relevant reports as part of the application submission. See [www.naturespaceuk.com](http://www.naturespaceuk.com) for more information.

## **6) Biodiversity Impact Assessment Metric**

**Justification** – To quantifiably demonstrate the impact on biodiversity and demonstrate whether there will be a net loss or gain in biodiversity because of the proposal.

The applicant should submit the Technical Advice Note Biodiversity Net Gain Checklist alongside the relevant application. The TAN encourages an on-site biodiversity net gain to be designed into the scheme at the earliest opportunity. Only where it can be demonstrated that this is not possible should off-site offsetting be considered.

## **7) Tree Survey/Arboricultural Impact Assessment (AIA)**

**Justification** – To ensure that applicants have considered the impacts trees, hedgerow.

The AIA or Tree Survey should provide information on which trees are to be retained and the means of protecting these trees during construction works. Where works are required to trees, this should be outlined within the survey.

If trees are to be removed due to this development, it should show where replacement landscaping will be provided to mitigate the loss of the trees (this can be provided by way of landscaping plans if these are required also). This information should be prepared by a qualified arboriculturist.

## **8) Flood Risk Assessment (FRA)**

**Justification** – To ensure that flood risk will not be increased on or off site.

The FRA should identify and calculate the risks of all forms of flooding to and from the development and demonstrate how the development remains safe throughout its lifetime, taking climate change into account. A Sequential and/or Exception Test should be provided where necessary.

As part of their flood risk assessment, applicants must provide details of indicative breach flood water levels, ground levels, floor levels (ground, first and second) in metres, and show the floor level for bedrooms and safe refuges, providing justification for the options chosen.

Applicants must also provide a flood plan, detailing evacuation, and flood response; this must be prepared by a qualified emergency planner and must be maintained for the lifetime of the development.

## **9) Sustainable Drainage System (SuDS) Strategy**

**Justification** – To ensure that the development meets the aims of not contributing to issues of localised flooding.

A Drainage Strategy should set out how the water will be drained from the site, as developed, without increasing the impact on adjacent areas or a Statement setting out why this is not necessary in this case.

The Applicant should access [the SuDS Tool on the East Sussex website](#) and design their scheme on around the output results from the SuDS tool. The output report from the SuDS tool should accompany all applications where there is a net gain in hard surface or building coverage.



## 10) Heritage Statement

**Justification** – To demonstrate that the impact on designated and non-designated heritage assets has been properly assessed. As a minimum the relevant record (HER) should have been consulted and the heritage assets identified.

Heritage assets also have a 'setting' which may contribute to their significance, this setting can be affected by proposals on another site. The Heritage Statement should consider the impact upon both the assets within the site and those outside it.

'Designated' heritage assets within the Council Area include listed buildings, conservation areas, scheduled monuments and historic parks and gardens. Other assets may possess heritage significance meriting consideration in planning decisions, these are commonly known as 'non-designated' heritage assets. These can vary in type, including for example, important elements of the twentieth century new town. Non designated heritage assets must also be identified in the heritage statement.

Heritage statements must provide an impartial and objective assessment. In some cases, it will be necessary to engage suitably qualified specialists to undertake this.

The statement must:

Assess and describe the significance of the heritage assets affected, identifying those elements that contribute to that significance and, where appropriate, those that do not. The level of detail shall be proportionate to the assets' importance and no more than is sufficient to understand the

potential impact of proposals on their significance. Limited and localised alterations to an unlisted building in a conservation area need not be supported by the level of detail required to convey the impact on significance of, for example, alterations to the built fabric of a listed building.

- Be of an analytical and interpretive nature rather than simply provide a description of the assets and the proposed works.
- Provide a sound justification for the works, based on the economic, social, and environmental benefits delivered by the scheme, for example, promoting the long-term care for a heritage asset and/or its setting.
- Explain how the scheme has taken account of the significance of the assets in its scope, design, and detail, to minimise or avoid harm to the heritage assets affected.
- Assess the nature and extent of any harm or public benefit arising from the scheme. Where harm is caused by the proposal, the assessment shall explain why such harm is unavoidable or required to deliver public benefits that outweigh the harm caused.
- Consider the full scope of works required to achieve changes to the listed building, such as those that will be required by Building Regulations, The Fire Authority, Environmental Health etc.

The scope and degree of detail necessary in a Heritage Statement will vary according to the circumstances of each application. The NPPF advises that applicants 'describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary' (paragraph 189, NPPF 2019).

A structural survey may be required in support of an application for listed building consent.

## 11) Archaeological Assessment

**Justification** – To demonstrate that the impact on potential archaeological sites has been considered.

The Archaeological Assessment should be prepared by a suitably qualified and accredited individual or organisation, and should use existing information (including data from the Council's Historic Environment Record) to establish the archaeological significance of the site and the impact of the proposals on surviving remains.

Archaeological fieldwork may be required prior to the determination of certain applications to determine the actual extent and degree of survival on site.

An assessment will be required where there is a reasonable probability of archaeological remains, whether below or above ground, being present on the site.

Domestic extensions and alterations will not require such an assessment unless located on a scheduled monument. Where there will be significant ground disturbance, especially where there are known archaeological remains recorded on the Historic Environment Record (or in areas over 0.5 hectares which have the potential to contain significant remains), then a field evaluation including trial trenching leading to a mitigation strategy may be necessary as part of the Heritage

## 12) Window and Door Details

**Justification** - To ensure that details are provided to make assessment on the impact on the conservation area or listed building.

Photograph of existing elevation where you wish to install the new windows.

The photograph must:

- Be titled to make it clear which elevation of the building it is (e.g. north elevation, south elevation).
- Be clear and not be obscured by any structures, trees, or vehicles etc. If obstructions are present you will need to provide a scaled existing elevation plan instead of a photograph.
- Have written dimensions of the window openings.
- Be large enough to clearly see the style of existing windows.
- Each window you wish to replace must be clearly referenced (e.g. W1, W2).

A statement must be provided indicating that the size of the window openings will not be altered. If the window opening sizes will be altered, then you will need to provide a scaled existing elevation plan instead of a photograph.

Details of proposed window at a scale of 1:10 or 1:5 (see Example 3 in Appendix 1)

This must:

- Be of sufficient quality and detail to see the window detail.
- Show glazing bars, sash horns etc. where appropriate.
- Be referenced to the photographs to clearly identify which replacement window the drawing relates to.
- Colour and material of the doors/windows.

Note: It may be that you can obtain these drawings from the window manufacturer.

However, if these are not available you may need to employ someone to complete these drawings as they will have to be of a suitable standard and detail.

Scaled Vertical and horizontal cross sections.

These must:

- Be of a sufficient quality and detail.
- Be to a scale of 1:5 or 1:2.
- Show the reveal (how far the window is set back in the wall) of the window in relation to the surrounding wall.
- Be referenced to the photographs to clearly identify which replacement window the drawing relates to.

Note: It may be that you can obtain these drawings from the window manufacturer.

However, if these are not available you may need to employ someone to complete these drawings as they will have to be of a suitable standard and detail.

### 13) Transport Assessment/Statement

**Justification** – To ensure that the impact on the highway has been considered and that encouraging sustainable transport has been considered.

A Transport Assessment should be submitted as part of major planning applications or where the proposed development has significant transport implications. The coverage and detail of the assessment should reflect the scale of the development and the extent of the transport implications of the proposal.

For smaller schemes, a Transport Statement should simply outline the transport aspects of the application. For major proposals, the assessment should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site.

It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. The statement should analyse existing traffic flows around the site and the likely change that will occur due to the development.

Should include details as set out in the Transport Assessments, Transport Statements and Transport Reports – Guidance for Development Proposals in East Sussex and will include the existing conditions, development details, predicted person trip generation and mode splits, predicted residual vehicular trip generation based on proposed travel plan measures, distribution of residual vehicular trips, junction capacity assessments and merge / diverge assessments at opening year and ten years after registration of application, and details of the proposed mitigation measures including proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal. It is advisable for an applicant to contact East Sussex County Council Highway Authority and/or the Highways Agency (if affecting a Trunk Road) as early as possible to establish the need for a Transport Assessment or Statement and if needed, agree the scope.

### 14) Travel Plan

**Justification** - To ensure that a plan for increasing sustainable travel is in place.

A Travel Plan should set out how transport implications created by the development will be mitigated. It should aim to encourage more sustainable methods of transportation as part of the development scheme.

The plan should note where existing transport systems can be utilised or whether new connections will need to be proposed. Where non-residential uses are proposed, the Travel Plan should analyse how similar uses, or an existing use, utilise sustainable methods of transport and how further use of these will be implemented and monitored.

#### **15) Parking Assessment/Plan**

**Justification** - To ensure that applicants have provided sufficient vehicle and cycle parking, to avoid an adverse impact on highway safety.

A Parking Plan should show details of existing and proposed parking provision and could also be shown on a site layout plan. Layouts should be clear to show where parking is allocated to individual properties or where it is unallocated parking.

For non-residential uses, layouts should show where staff parking is provided and where parking is provided for visitors. If multiple units are proposed, or for a change of use of part of a larger site, any parking spaces which are solely in the use of that unit should be highlighted. Likewise, any spaces which are in the use of other units which would not be able to be used by this unit should be shown.

The dimensions of parking spaces and access routes should comply with the Parking Standards as shown by East Sussex Highway Website, dimensions should be shown on the plan.

For major developments a Parking Schedule should be provided to list the parking on a plot-by-plot basis, including any instances of tandem parking, any associated additional requirement and the amount of unallocated parking for the development as a whole.

Most forms of development have the potential to increase the amount of on-street parking. Where insufficient off-street parking to meet the Council's Parking Standards is proposed, an on street parking survey should be carried out to ensure that the increase in on street parking will not have an impact on highway safety, the free-flow of traffic, amenity, access by emergency services, refuse collection and delivery of goods.

#### **16) Tracking Diagrams/Visibility Splays**

**Justification** - To ensure that applicants have provided safe and appropriate vehicle access.

Tracking diagrams for private, refuse and emergency vehicles should be provided that show safe and easy access and egress to the site. Any developments that would be served by HGVs should also provide diagrams to show that the relevant vehicles can access and exit the site safely, and in forward gear.

If alterations or new access to the adopted highway is proposed, then appropriate visibility splays for the speed of the road should be provided.

#### **17) Construction Traffic & Management Plan**

**Justification** - To ensure that applicants have considered the traffic implications of a proposal during the construction phase.

A Construction Traffic Management Plan should be provided that includes details of the site compounds, including on-site parking areas, loading, and unloading areas, construction access, level of vehicle movement and routing arrangements. If necessary, details regarding wheel washing and road sweeping facilities should be provided.

Construction Management Plan The construction site management detail that must be submitted with this Management Plan will be wholly dependent on the construction processes that are being undertaken.

Please note that traffic and highway issues are addressed in the Construction Traffic Management Plan.

Please provide the following: • Site plan • Details of neighbour consultation • Working hours • Details of liaison with other site managers in the vicinity (if applicable) • Summary and programme of works including demolition and construction • Demolition and construction details • e.g. piling methodology • Plans for site arrangement (including storage areas) and monitoring equipment where applicable • Noise and vibration mitigation • Dust mitigation and air quality • Statement to confirm sign up to the Considerate Constructors Scheme

## 18) Sustainability in Development Statement

The developer should engage with the Sustainability in Development Technical Advice Note and submit the checklist.

**Justification** - To demonstrate that the proposal is energy efficient, low carbon and environmentally sustainable.

The Sustainability in Development TAN provides a checklist of sustainability requirements and objectives that applicants should consider in development proposals. Applicants are requested to complete and submit the checklist to show whether sustainability issues have been given consideration in the proposal, and to provide evidence on how this has been done.

Sustainability in Development Statement should include information about how the design and construction of the development complies with sustainable design and construction policies and guidance and will be built to achieve the highest standards possible.

It should also include information about how the layout achieves the most sustainable development, how landscaping is likely to be utilised to improve sustainability, renewable energy utilisation, use of building materials and achieving carbon neutrality, where appropriate. Where an element of the scheme cannot meet any of the goals of sustainability in policy, it should be highlighted why this cannot be achieved.

The statement should also outline how the development proposes to interact with providing positive environmental, social, and economic implications, such as integration with sustainable transport networks and infrastructure and climate change mitigation.

## 19) Housing Statement and Accommodation Schedule

**Justification** - To ensure that an appropriate mix of housing types, and an appropriate proportion of accessible, adaptable, and innovative and self-build homes have been proposed.

A Housing Statement and Accommodation Schedule will need to provide:

- Details of the mix of housing, provision of affordable housing, and provision of accessible and adaptable and self-build homes.
- Details of the size and tenure of dwelling units and any arrangements with social housing providers.

- Details of the numbers of habitable rooms and / or bedrooms, and the floor space of habitable areas of residential units in accordance with the Nationally Described Space Standards (NDSS).
- If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained.
- A site layout plan which shows the location of market and affordable housing (full application or approval of layout only).
- Any other material information which influences the provision of affordable housing or housing mix decisions (i.e. need or viability of affordable housing).
- Any details of innovative design and construction methods
- An Accommodation Schedule which provides a plot-by-plot list of dwellings, including type, tenure, size, and whether it meets the requirements of an accessible or adaptable home.

## **20) Economic Statement (including application of sequential testing where necessary)**

**Justification** – To demonstrate how new employment opportunities have been created, or the loss of employment floorspace justified.

Applications may need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floor space totals for each proposed use (where known); any community benefits; reference to any regeneration strategies that might lie behind or be supported by the proposal; and how the proposal contributes to local economy.

Where there is a loss of employment space, the economic statement will need to demonstrate that the site is environmentally or physically unsuitable for employment generating uses, that the site has been fairly marketed for at least two years and there is no real prospect of any form of employment arising or employment is only viable within a mixed use scheme.

Development of a town centre use which is in an edge or out of town centre location, will need to provide an impact assessment which demonstrates the following:

- The need for development.
- That the development is of an appropriate scale.
- That there are no more central sites for the development.
- That there are no unacceptable impacts on existing centres.
- That locations are accessible; and
- If a unit is subject to change of use, it should be demonstrated that the site has been fairly marketed for at least two years and there is no real prospect of a viable town centre use occupying the unit (if loss of town centre use proposed).

Town centre uses are defined as: retail; leisure facilities; entertainment facilities; intensive sport and recreation uses; arts, culture, and tourism use.

## **21) Landscape Visual Impact Assessment**

**Justification** – To assess the landscape impact of a proposed development.

Applications for development which would have an impact on landscape character, whether by virtue of their size, location, or nature, should be accompanied by an LVIA in

accordance with standard guidance. It is likely that most major or minor development in the Open Countryside, or proposals which are significantly taller than their surroundings will require an LVIA.

## 22) Landscaping Details

**Justification** - To provide an appropriate landscaping scheme and setting for the proposal.

Applications for development shall include Landscape plans show the proposed design and layout of all outdoor areas within the curtilage of a development.

Submitted landscape plans should set out the proposed landscape layout, including:

- How it responds to policies.
- Ecological benefits.
- Climate change adaptation measures.
- The approach to trees.
- Sustainable drainage.
- Management and maintenance; and
- Landscaping materials.

## 23) Lighting Assessment

**Justification** - To assess the impact of lighting on biodiversity, dark night sky and amenity, and any implications for safety and security.

Applications for development where external lighting (including commercial uses, recreational uses, security lighting and floodlighting) is proposed or required to sustain the development will be required to be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details should include a layout plan with beam orientation, a schedule of the equipment in the design and the light/lux levels for proposed lighting.

## 24) Open Space Assessment

**Justification** - To ensure that applicants have assessed the implications of a loss of open space and provided appropriate facilities in new developments.

Plans to be submitted showing any areas of existing or proposed open space, or play, sports, or recreation facilities, within or adjoining the application site. Where the proposal would result in the loss of open space or play, sports or recreation facilities, an independent assessment should be provided as evidence that the land/buildings are surplus to local requirements. The assessment must also identify provision for future amenity space (including private, public, communal, and formal play space).

Applications for major developments should provide details of proposed play space. This should identify formal and informal play space provision, demonstrating how quantity standards have been met, and should include information on the location and design of the space (including layout, landscaping, and materials). Maintenance arrangements should be included.

## 25) Noise Assessment

**Justification** - To ensure that potential noise from the development or its surrounding have been considered, to assess the impact on amenity.

Applications for developments that may generate noise disturbance to the occupants of nearby existing buildings, or are considered to be noise sensitive and which are close to

existing sources of noise, should be supported by a noise assessment prepared by a suitably qualified acoustician.

A noise assessment should also be submitted in areas where noise pollution is already poor and could have an adverse impact on the proposed development. The noise assessment should confirm whether noise is an issue and where it is, demonstrate what mitigation measures would be implemented to ensure the inhabitants of the proposed development are not negatively affected by the existing noise pollution.

## **26) Ventilation/extraction Equipment Details**

**Justification** - To ensure that applicants have demonstrated that there will not adversely impact on human health and amenity.

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications where there is a requirement for external ventilation/extraction equipment.

This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

## **27) Daylight/sunlight Assessment**

**Justification** - To ensure that applicants have demonstrated that the development does not cause unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight, or because of overshadowing.

The assessment should illustrate that the development does not cause unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight, or privacy. It should:

- Conform to the methodology identified in the Building Research Establishment guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2011); and
- Identify and examine the impacts upon existing properties and sites with extant planning permissions.

The assessment should include a floor plan demonstrating a 45 degree angle from the side wall of the proposed extension towards the ground floor of the neighbouring property, and an elevation plan demonstrating a 45 degree angle from the centre of the roof slope towards the ground floor of the neighbouring property.

## **28) Land Contamination Assessment**

**Justification** – To ensure that the risk from potential site contamination has been assessed.

A preliminary site investigation will normally be required. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the investigation of Potentially Contaminated Sites) as required by the NPPF. Any site investigation information should be prepared by a competent person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

## **29) Circular Economy Technical Advice Note (Site Waste Management Plan)**

**Justification** - To consider the waste hierarchy in respect of waste generated on site.



The applicant should engage, populate, and submit with their application the Circular Economy Checklist

The Circular Economy TAN seeks to embed the circular economy principles, such as the responsible sourcing of materials, enabling buildings to be adaptable for future reuse, and ensuring the materials can be recovered and recycled, into the design of buildings from the outset, on the basis that if the scheme is designed in the right way, waste generated should be minimised as a result

The plan should demonstrate that the required waste storage and waste collection arrangements can be accommodated on the site. Applicants should demonstrate that waste can be managed on-site including evidence of waste reduction, use of recycled materials and dedicated recyclable waste storage space. This should include refuse vehicle tracking plans where refuse vehicles will be collecting waste from site.

Details on volume and type of waste to be stored and disposed of at site should be included both for the construction phase and once the development is implemented.

It should highlight any potentially hazardous or polluting waste that will be generated, stored, and disposed of at the site.

### **30) Telecommunications Development Statement**

**Justification** – To provide evidence to justify the development.

Full and prior notification applications for mast and antenna development by mobile phone network operators in England should be accompanied by a range of supplementary information as set out in the NPPF. This should include the:

- area of search.
- details of any consultation undertaken.
- details of the proposed structure.
- technical justification.
- information about the proposed development; and
- signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

### **31) Planning Obligations/Heads of Terms**

**Justification** - To consider the contributions necessary to make an otherwise unacceptable development acceptable, and to ensure that this process is undertaken early in the application process.

Planning obligations/S106 contributions are used to ensure that developments provide or contribute towards infrastructure and facilities that are necessary to support the development. Without these contributions the development would otherwise be unacceptable in planning terms. The circumstances which planning obligations may be required are outlined under the above policies.

Any application which will require contributions under planning policy should be accompanied by draft Heads of Terms. Draft Heads of Terms should be discussed and agreed at the pre-application stage.

### 32) Viability Assessment

**Justification** - To allow the applicant to justify non-compliance with policy on viability grounds.

A full un-redacted viability assessment should be provided at the time of submission. To fully assess whether the case made by an applicant for not meeting the policy requirements is reasonable and justifiable. This should include:

- Existing Use Value supported by an independent valuation.
- Land acquisition price and the basis of its purchase; salient terms of acquisition (e.g. subject to planning, soils, ground conditions survey, etc.).
- Purchase process (e.g. private treaty, open market bid, auction, etc.).
- Purchase costs including legal and agents' fees.
- Estimated sales values with independent supporting evidence including schedule of unit sizes.
- Estimated construction costs supported by Tender costs or QS schedule to include a specified contingency, contract related fees and itemised/defined 'abnormals'.
- Itemised preliminary costs.
- Professional fees presented under each respective heading.
- S106/CIL costs as advised by the LPA.
- Financing rate + evidence of financing terms/details (e.g. debt/equity ratio, etc.).
- Estimated profit together with contextual information appropriate to the developers target returns.
- Value/cost of the affordable housing provision, where relevant, together with tenure assumptions and calculation of any commuted sum; and
- Valuations using standard viability models such as HCA or RICS, will be acceptable subject to providing all the above information and are supported by an appropriate cash flow analysis.

Where viability grounds are used in not meeting policy (for example rural needs) it should be outlined why the proposed use or development is required in this location, and if related to a business operation, may require financial justification.

This information should be provided to the Council in its entirety. Applicants should be aware that the assessment will be made available in the same manner as other documents that form part of the submission.

If the Council considers it necessary to appoint an independent viability consultant to assess the application, the cost will be met by the applicant.

### 33) Road Safety Audit

**Justification** – In order to ensure that standards in highway and pedestrian safety are maintained.

All schemes requiring a Road Safety Audit will require a

Stage 1 (completion of preliminary design)

Stage 2 (completion of detailed design) &

Stage 3 (completion of construction) audit.

A Stage 4 road safety audit may also be required, if advised by East Sussex County Council Highways

#### **34) Soil Management Plan**

**Justification** – Where there is the movement of top and/or subsoils as part of a development proposal and where significant land rise or fall is proposed.

Land raising evidence needs to be supplied to assess the extent and substance of the imported material.

Land fall (removal) there needs to be an assessment and understanding as to the quality of the soil to be removed. This assessment needs to outline if it is to be re-laid at the site and or removed and disposed elsewhere.

#### **35) Agricultural and Forestry Workers Statement**

**Justification** – Where there is proposed a new workers accommodation or the loss of existing workers accommodation then a statement needs to be supplied outlining its justification.

Applications should be accompanied by form WPL8 on the Councils website.

[WPL8, Additional Information for proposed agricultural dwellings \(lewes-eastbourne.gov.uk\)](http://www.lewes-eastbourne.gov.uk)

#### **36) Agricultural and Forestry Diversification Plan**

**Justification** – where the proposal is reliant on the farm/forestry diversification as a key theme in the proposal a statement should outline the economic benefits, the employment opportunities and the potential that the diversification measures would have on the rural economy.

The Council encourages the submission of Farm Business Plans to indicate clearly the implications of diversification proposals on the continued operation of the whole farm and to assist in weighing the environmental and economic issues, particularly where these are finely balanced. Such plans are informal and complementary to a planning application and can cover matters such as the implications for other land and buildings, possible demolition of unsightly buildings, landscape management, habitat improvement, public access, etc., as appropriate. It is unlikely that proposals for farm diversification could be supported for smaller parcels of land which are not part of a working farm. Proposals should be a secondary activity to the main farm enterprise and ideally will complement the daily farm activity.

#### **37) Community Infrastructure Levy (CIL)**

**Justification** – To comply with the requirement of the CIL regulations and ensure that the relevant notices and supplied at the correct times.

To assess whether a development may be CIL liable, all applications for full planning permission, including householder applications and reserved matters applications following outline permission and applications for lawful development certificates, must include a completed CIL Additional Information Requirement form (Form 1). The form is available at: [http://www.planningportal.gov.uk/uploads/1app/forms/cil\\_questions.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/cil_questions.pdf)

and guidance notes at:

[http://www.planningportal.gov.uk/uploads/1app/cil\\_guidance.pdf](http://www.planningportal.gov.uk/uploads/1app/cil_guidance.pdf)

The CIL charge will apply to all new homes and holiday lets, all residential extensions (including prior notification larger home extensions) and all new retail developments and extensions, that exceed 100 sqm. The Council will determine liability from the submitted CIL Additional Information Form.

The CIL Regulations allow for several types of Relief or Exemptions to be applied for. These are Charitable or Social Housing Relief, Self-Build Extension Exemption, Self-Build Annex Exemption and Self Build Exemption for a whole new home.

More information on the different types of Relief or Exemptions and how to apply for these can be found at:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/4](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/4)

It is important to note that although no further CIL Forms are required for Validation the correct CIL process must be followed to be able to apply for and claim relief, benefit from the payment instalment policy and avoid surcharge. Further information on the CIL Regulations can be found at:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)

For further information please see the CIL pages on our website.

### **38) Drawing Revision List**

**Justification** - This applies where amendments and or changes are proposed to a previously approved scheme and should take the form of a table which should list all proposed drawing numbers and reference the drawing number which the proposed drawing is intended to replace. A brief description should be included against each plan number of the changes proposed within the plan.

### **39) Foul Water Utility Statement**

**Justification** – On Major applications a statement needs to be submitted that outlines that prior to the submission of the scheme/proposal the applicant has engaged with the relevant statutory undertaker/provider in order to confirm that there is capacity within the existing network.

If capacity does not exist, the statement should outline the nature of the alternative and or mitigation proposed.

### **40) Playing Field and Sports Pitch Assessment**

**Justification** – where the scheme proposes new and more importantly the removal/reduction in the extent of Playing Fields.

The statement would need to outline the benefits of the additional resource and if necessary, what would be the impacts upon the local community with any reduction.

### **41) Aerodrome Safeguarding Statement**

**Justification** - The process is managed by the airport's aerodrome safeguarding team who are responsible for making sure that no developments within the 15km safeguarding zone (30km for wind turbines) have an adverse effect on the airport's operation.

Must comply with the town and country planning (safeguarded aerodromes, technical sites, and military explosives storage areas) direction 2002.

#### **42) Site Topographical Survey**

**Justification** – Required on all new dwellings and major applications and will ensure full interpretation of the likely impacts of a proposal in relation to residential amenity, streetscape, and landscape amenity.

#### **43) Air Quality Statement**

**Justification** – any proposal within or adjacent to any Air Quality Management Area adopted by the Council that is likely to result in an increase in traffic and or odour. The statement should outline the steps required to mitigate road related traffic pollution.

#### **44) Energy Statement**

**Justification** –

Energy Statements should demonstrate how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction. All new major development should include a feasibility study for Decentralised Energy (Stage 3 of the energy hierarchy).

The Energy Statement should outline which actions the developer may take to meet local planning carbon reduction targets. The statement should build upon the Adopted Sustainability checklist and should include:

- Baseline annual CO2 emissions and energy costs
- Fabric first approach
- Heating, ventilation, and lighting details
- Low and zero carbon feasibility report – renewable energy technologies
- Advice in specification of energy efficient measures
- Demonstration that there is Improvement in CO2 over a baseline based on Part L Building Regulations

#### **45) Retail and Leisure Impact Assessment (RLIA)**

A RLIA is a means of establishing the potential commercial impact of a proposed new retail development on existing and committed (i.e. not yet built but have planning permission) retail and leisure developments. The main reason for the preparation of a RLIA is to provide relevant information to assist in the determination of an application for planning permission for major retail and leisure development. It is also used for assessing the significance of the impact on the current and future vitality and viability of the surrounding centres.

Retail and Leisure Impact Assessments should include quantitative and qualitative merits of the proposal when tested against national and local planning policies. In particular, it should consider the scale of the proposal, assess the effect of the scheme on existing centres within the locality and its wider catchment area and examine the qualitative improvements that would result from the scheme, if approved.

#### **46) Site Location Plan**

A 'site location plan' is a plan that shows the application site in relation to the surrounding area. The scale should typically be

1:1250 or 1:2500, and wherever possible the plan should be scaled to fit onto A4 or A3 size paper.

- The location plan should be based on an up-to-date map and have the direction of North identified.

- The location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the
- exact location of the application site is clear. (In more remote rural areas it may be necessary to identify the site with a Grid Reference if roads cannot be indicated).
- The application site should be edged clearly with a solid red line.
- The application site should include ALL land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings and any land associated with outfall drainage ie: ditches, pipes or headwall - an engineering operation).
- A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

#### **48) Delivery and Servicing Management Plan**

Delivery and Servicing Management Plans should contain the required information to adequately demonstrate that proposed development can be serviced, whilst taking account of access requirements, transport and highway impacts (including pedestrian and highway safety) and the practicalities of vehicle manoeuvrability.

As a minimum, the plan should include:

- the location of loading and unloading
- the hours of loading and unloading
- the frequency and size of vehicles
- swept paths.

#### **49) Planning Statement – Variation of condition applications**

Applications for a variation to, or removal of, a condition applied to a previous planning permission should describe fully and precisely what the minor amendments are compared with that originally approved.

This should cross-reference the annotated plans showing the proposed changes. You can provide this information in the format of a schedule.

Explain the reason why the application is required – for example, justification to extend the opening hours for a restaurant

It is important that approved plans are not changed in terms of the amount of information they provide. For example, if you are seeking a minor material alteration to an elevation, which is shown on an approved drawing with other approved elevations, you should provide the same drawing showing the changes, rather than just the elevation requiring change. This is because a new permission is granted as a result of a variation application and this needs to capture all previously approved information relating to the original scheme.

Plan drawings should therefore be revisions of those previously approved, to show clearly which drawings are being put forward for changes.

Variation of condition applications cannot be used to extend the time limit for implementation of the originally approved scheme. In instances where the time limit has expired, or will expire during the application period (or soon afterwards), information should be provided regarding any implementation of the permission.

## **50) Planning Statement – Non-material amendment applications**

Applications for non-material amendments following the grant of permission should describe fully and precisely what the amendments are compared with that originally approved. This should cross-reference the annotated plans showing the proposed changes. You can provide this information in the format of a schedule.

Explain the reason why the application is required.

## **51) HMO Management Plan**

A House in Multiple Occupation Management Plan is required for all HMO schemes falling within the Sui Generis Use Class.

The Plan should include details to demonstrate how the HMO will be properly managed, in the interest of the amenity of the area in which it is located, of safety and crime prevention and establishing a 'Code of Conduct'. This shall include details on;

- health and safety standards and procedures
- maintenance and repairs
- environmental quality and management (cleaning of communal spaces, refuse management, etc)
- landlord and tenant relationship
- resident welfare
- anti-social behaviour and disciplinary procedures
- administration procedures and occupancy records
- secured by design principles
- tenancy agreements
- Details of any acquired HMO license

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# Draft Local List of Planning Application Requirements

## Lewes District Council & Eastbourne Borough Council

### December 2022

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*This document is accompanied by Appendix 1*

#### **Introduction**

This document provides details on the information required to form part of planning applications submitted to Lewes District Council (LDC) and Eastbourne Borough Council (EBC), as Local Planning Authority (LPA). The aim of the document is to provide applicants with the necessary information to ensure that applications are received as valid, to prevent unnecessary delays in processing of applications.

LDC and EBC aim to make decisions on planning applications that are informed by suitably detailed and relevant information.

Planning applications need to meet both the [National List of Planning Requirements](#) and the [Local List of Planning Requirements](#).

The Local List of Planning Requirements does not apply to the following types of application:

- Non-material amendments;
- Approval under conditions;
- Advertisement consents;
- Lawful Development Certificates;
- Prior Approval Notifications; and
- Consent for works to a tree with tree preservation order.

#### **General requirements for submission**

All drawings, reports, and supporting information, should be clearly titled and include unique reference numbers with clearly labelled revision references (normally a letter). All plans, elevations, and sections must be drawn to an identified scale. All drawings must include a scale bar and plans must include a North arrow to define the orientation.

#### **Publicly accessible information / sensitive information**

Applicants are advised that information submitted in support of any application will be published online and made publicly available. If you believe exceptional circumstances mean a particular piece of information should not be disclosed, you must discuss this with the Local Planning Authority prior to submission. Advice on sensitive information in planning applications can also be found in the national Planning Practice Guidance (NPPG) [here](#).

## **Accessibility of submitted information**

LDC and EBC are committed to making engagement with planning applications accessible to all.

The accessibility of information relating to planning applications requires consideration at the point of conception, prior to submission to the Local Planning Authority.

The Web Content Accessibility Guidelines (known as WCAG) are an internationally recognised set of recommendations for improving web accessibility. The WCAG explain how to make publicly displayed information accessible to everyone, including users with impairments to their:

- vision - like severely sight impaired (blind), sight impaired (partially sighted) or colour-blind people
- hearing - like people who are deaf or hard of hearing
- mobility - like those who find it difficult to use a mouse or keyboard
- thinking and understanding - like people with dyslexia, autism or learning difficulties

All documents submitted with planning applications should comply with the Web Content Accessibility Guidelines (WCAG), where possible.

## **Outline Planning Applications**

An outline planning application is a means of establishing the principle of a proposed development without having to supply all of the details. The grant of outline planning permission will then be conditional upon the subsequent approval of details of 'reserved matters'.

An applicant can choose to submit details of any of the reserved matters (Access, Appearance, Landscaping, Layout or Scale) as part of an outline application. The level of information/documents required for outline planning permission will depend on whether the applicant wishes for any of the reserved matters to be considered.

In submitting an outline planning application, please check both the National and Local List of Planning Requirements.

**IMPORTANT:** Unless the applicant has indicated that submitted details are 'for illustrative purposes only' or 'indicative' (or has otherwise indicated that they are not formally part of the application), the local planning authority will treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.

Under Article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must indicate the area or areas where access points to the development will be situated, even if access has been reserved.

## National List of Planning Requirements

Information Required	Legislation	Types of application/development for which the information is required	Further Guidance
<b>Fully Completed Application Form</b>  <b>Ownership Certificate</b>  <b>Land Declaration</b>	The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended)	All types of application	<a href="#">Application Guidance</a>  <a href="#">DMPO 2015</a>  <a href="#">Fees for Planning Applications</a>
<b>The Correct Application Fee</b>	The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)	All types of application other than Listed Building Consent.  There are some 'exemptions' from fees, as defined by the legislation	<a href="#">Fees Regulations</a>  <a href="#">Fees for Planning Applications</a>  <a href="#">Planning Portal Guide to Fees</a>
<b>Site Location Plan Scale 1:1250 or 1:2500 which is up to date and includes direction of north and a scale bar</b>	The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended)	All types of application	<a href="#">Application Guidance</a>  <a href="#">DMPO 2015</a>
<b>Additional Plans</b>	Lewes DM25: Design DM28: Residential Extensions CP2: Housing Type, Mix and Density  Eastbourne D10a: Design UHT1: Design of New Development UHT4 Visual Amenity	The national requirements note the need for a location plan and "others as necessary", with reliance on the local requirements to detail what those are. For the avoidance of doubt, the local requirements are: <ul style="list-style-type: none"> <li>Proposed Block Plan – including site access details, any proposed increase in floor area shown, locations of any trees/landscaping that may be affected by the proposal, and a north point.</li> </ul>	<a href="#">Application Guidance</a>  <a href="#">DMPO 2015</a>  <a href="#">NPPF</a>  <a href="#">Planning Policy</a>

	<p>National Planning Policy Framework (NPPF)</p> <p>Article 7 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)</p>	<ul style="list-style-type: none"> <li>• Existing and proposed elevations, floor, and roof plans in full</li> <li>• Existing and proposed site sections and finished floor levels where there is a change in ground level proposed or the development is on a sloping site.</li> <li>• Other plans deemed as necessary by Local Planning Authority</li> <li>• All plans must be drawn to a recognised scale, contain a scale bar and note the original paper size</li> </ul>	
<b>Design and Access Statement</b>	<p>National Planning Policy Framework (NPPF)</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)</p>	<ul style="list-style-type: none"> <li>• Applications for major development</li> <li>• Applications for development in a designated area, where the proposed development consists of: <ul style="list-style-type: none"> <li>i) one or more dwellings; or</li> <li>ii) a building or buildings with a floor space of 100 square metres or more.</li> </ul> </li> <li>• Applications for listed building consent.</li> </ul> <p>For the purposes of Design and Access Statements, a designated area means a World Heritage Site or a Conservation Area.</p> <p>Applications for waste development, a material change of use, engineering or mining operations do not need to be accompanied by a Design and Access Statement.</p>	<p><u>National Validation requirements</u></p> <p><u>NPPF</u></p> <p><u>DMPO 2015</u></p> <p>See paragraphs 1 and 2 of Appendix 1</p>

## Local List of Planning Requirements

Information Required	Policy Driver	Types of application/development for which the information is required	Further Guidance
<b>Aerodrome Safeguarding Statement</b>	The town and country planning (safeguarded aerodromes, technical sites, and military explosives storage areas) direction 2002	All applications for wind turbines  All tall buildings	<u>Circular 01/2003: Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas</u>  <u>Storage Areas: The Town &amp; Country Planning (Safeguarded Aerodromes, Technical Sites &amp; Military Explosives Storage Areas) Direction 2002'</u>  <u>Airport Operators Association (AOA) Advice Note 7 'Wind Turbines &amp; Aviation'</u>  See paragraph 41 of Appendix 1
<b>Affordable Housing Statement (&amp; S106 Heads of Terms if Affordable Housing Required as Part of The Application)</b>	Lewes. CP1: Affordable Housing CP2: Housing Type, Mix and Density DM2: Affordable Homes Exception Sites  Eastbourne D5; Housing HO11: Residential Densities HO12: Residential Mix National Planning Policy Framework (NPPF), paras 59-71	All applications for housing development which require onsite affordable housing provision or a contribution to it.	<u>LDC Affordable Housing Supplementary Planning Document</u>  <u>EBC Affordable Housing Supplementary Planning Document</u>  <u>Planning Policy</u>  <u>NPPF</u>  See paragraph 19 of Appendix 1
<b>Air Quality Assessment</b>	Lewes. CP9: Air Quality	All applications for major development where traffic generation, bio-aerosols, or odour is	<u>NPPF</u>

	<p>DM20: Pollution Management</p> <p>Eastbourne B1: Spatial Development Strategy and Distribution B2: Creating Sustainable Neighbourhoods D1 Sustainable Development NE28: Environmental Amenity</p> <p>National Planning Policy Framework (NPPF), para 181</p>	<p>increased and/or the development is likely to affect or cause the declaration of an Air Quality Management Area, including through cumulative impact</p>	<p><u>DEFRA Air Quality Management Area Maps</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 43 of Appendix 1</p>
<p><b>Affordable Housing Statement (&amp; S106 Heads of Terms if Affordable Housing Required as Part of The Application)</b></p>	<p>Lewes. CP1: Affordable Housing CP2: Housing Type, Mix and Density DM2: Affordable Homes Exception Sites</p> <p>Eastbourne D5; Housing HO11: Residential Densities HO12: Residential Mix National Planning Policy Framework (NPPF), paras 59-71</p>	<p>All applications for housing development which require onsite affordable housing provision or a contribution to it.</p>	<p><u>LDC Affordable Housing Supplementary Planning Document</u></p> <p><u>EBC Affordable Housing Supplementary Planning Document</u></p> <p><u>Planning Policy</u></p> <p><u>NPPE</u></p> <p>See paragraph 19 of Appendix 1</p>
<p><b>Agriculture and Forestry Diversification Plan</b></p>	<p>Lewes DM9: Farm Diversification DM19: Protection of Agricultural Land</p> <p>Eastbourne</p>	<p>All developments for agriculture or forestry diversification</p>	<p><u>Planning Policy</u></p> <p><u>Woodland Trust Guidance</u></p> <p>See paragraph 36 of Appendix 1</p>

	D4: Agricultural Development D5: Change of Use of Agricultural Buildings		
<b>Agricultural and Forestry Workers Statement</b>	Lewes DM3: Accommodation for Agricultural and Other Rural Workers  Eastbourne D4: Agricultural Development	All development or loss of an agricultural or forestry workers' housing	<u>Agricultural Workers Planning Policy</u>  See paragraph 35 of Appendix 1
<b>Ashdown Forest 7km Zone (Lewes Only)</b>	DM24: Protection of Biodiversity and Geodiversity  CP10: Natural Environment and Landscape	Development in the 7km Ashdown Forest buffer (including single dwellings) require us to make an appropriate assessment of the potential impact upon the Ashdown Forest so the applicant will need to provide us with a suitable amount of information to enable us to do this as per section 63 of the Conservation of Habitats & Species Regulations 2017 (as amended).  Any new development within the 7km Ashdown Forest Buffer.	<u>Habitat Regulations</u>  <u>Conservation of Habitats &amp; Species Regulations 2017 (as amended)</u>  <u>7km Ashdown Map</u>  <u>Supporting Documents Information</u>  <u>Planning Policy</u>
<b>Biodiversity Survey and Report or Environmental Impact Assessment, or Ecological Impact Assessment Biodiversity Net Gain</b>	Lewes. CP10: Natural Environment and Landscape DM24: Protection of Biodiversity and Geodiversity  Eastbourne D1: Sustainable Development D9: Natural Environment	All applications for development that would have an impact on priority species, or are within, adjacent to or likely to have an impact on: Local Wildlife Sites, Local Nature Reserves, National Nature Reserves, SSSIs, or where there is a reasonable likelihood of protected specials and/or their habitats  All Major Applications	<u>Government Guidance on Biodiversity</u>  <u>Sussex Biodiversity Record Centre</u>  <u>Natural Environment and Rural Communities Act 2006 - Section 41</u>  <u>LDC Biodiversity Technical Advice Note</u>

	<p>NE19: Local Nature Reserves  NE20: Sites of Nature Conservation Importance  NE22: Wildlife Habitats  NE23: Nature Conservation of Other Sites  NE28: Environmental Amenity</p> <p>National Planning Policy Framework (NPPF), paras 170-183</p> <p>National Planning Practice Guidance (NPPG), para 018 (Reference ID: 8-018-20190721)</p>	<p>Developers should engage with the Biodiversity Net Gain Technical Advice Note</p>	<p><u>EBC Biodiversity Net Gain Technical Advice Note</u></p> <p><u>Appropriate Assessments</u></p> <p><u>Government Circular: Biodiversity and Geological Conservation</u></p> <p><u>Planning Policy</u></p> <p><u>NPPF</u></p> <p>See paragraphs 5 and 6 of Appendix 1</p>
<p><b>Community Infrastructure Levy Forms 1 &amp; 2 submitted at validation stage</b></p>	<p>Lewes.  CP7: Infrastructure</p> <p>Eastbourne  E1: Infrastructure Delivery</p>	<p>All householder, minor and major applications, prior approvals for change of use and existing lawful development applications</p>	<p><u>CIL Form</u></p> <p><u>Guidance Notes</u></p> <p><u>Types of Relief</u></p> <p><u>Further Information on CIL Regulations</u></p> <p><u>CIL on Public Website Planning Policy</u></p> <p>See paragraph 37 of Appendix 1</p>
<p><b>Construction and Environmental Management Plan (including demolition) &amp; Construction Traffic Management Plan (to include routing of construction vehicles)</b></p>	<p>Lewes.  CP13: Sustainable Travel</p> <p>Eastbourne  D8: Sustainable Travel</p>	<p>All major Applications</p> <p>All applications that:</p> <ul style="list-style-type: none"> <li>• Concern sites in tight locations;</li> <li>• Are within 400m of a school;</li> </ul>	<p><u>Planning Policy</u></p> <p><u>NPPF</u></p> <p>See paragraph 17 of Appendix 1</p>



<b>&amp; Demolition Method Plan</b>	NE28 Environmental Amenity  National Planning Policy Framework (NPPF)	<ul style="list-style-type: none"> <li>propose demolition</li> <li>would have significant environmental impacts, including on neighbouring occupiers</li> </ul>	
<b>Delivery and Servicing Management Plan</b>	Eastbourne Core Strategy policy: B2: Creating Sustainable Neighbourhoods	All major applications for commercial developments  Any other applications that are likely to generate significant need for the movement of goods and materials when occupied.  All residential schemes that incorporate	<u>Planning Policy</u>  <u>NPPF</u>
<b>Drawings Revision List</b>	National Planning Policy Framework (NPPF), paras 43 and 44  National Planning Practice Guidance (NPPG), Paras 039 and 40 (Reference ID: 14-039-2014030 and ID: 14-040- 20140306)	Section 73 applications including Variation of conditions – approved plans, Minor-Material Amendments and Non-Material Amendments.  Any Full application which makes variations to a previously approved application.	<u>NPPF</u>  See paragraph 38 of Appendix 1
<b>Economic Statement</b>	National Planning Policy Framework (NPPF), paras 80-81  National Planning Practice Guidance (NPPG), para 029 (Reference ID: 2a02920190220)  Eastbourne D2: Economy	Any application that: <ul style="list-style-type: none"> <li>creates new employment uses.</li> <li>results in the loss of existing employment uses</li> </ul>	<u>NPPF</u>  <u>Planning Policy</u>  See paragraph 20 of Appendix 1

<p><b>Employment and Training Agreement</b></p> <p><b>Appendix 3 of Local Employment and Training Supplementary Planning Document</b></p>	<p>Eastbourne Policy EL1 (Economy &amp; Employment Land) of the Eastbourne Employment Land Local Plan (ELLP)</p>	<p>All major applications</p>	<p><u>Employment Land Local Plan 2016</u></p> <p><u>Local Employment and Training Supplementary Planning Document</u></p>
<p><b>Energy Strategy</b></p>	<p>Lewes.CP14: Renewable and Low carbon Energy</p> <p>Eastbourne. D1: Sustainable Development</p>	<p>All major Applications</p> <p>New solar farms/ wind turbines</p> <p>All applications on site allocations in the local plan</p> <p>All applications where there will be an increase in the demand/use of energy</p>	<p><u>Planning Practice Guidance for Climate Change</u></p> <p><u>TAN Sustainability in Development Planning Policy</u></p> <p>See paragraph 44 of Appendix 1</p>
<p><b>Environmental Statement</b></p>	<p>National Planning Policy Framework (NPPF), para 043 National Planning Practice Guidance (NPPG), paras 010 (Reference ID: 4-010-20170728), 034 (Reference ID: 4- 034-20170728) and 035 (Reference ID: 4- 035-20170728) Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p> <p>The Town and Country Planning (Development Management Procedure)</p>	<p>Required in connection with all development identified within Schedule 1 or 2 of the regulations and which in accordance with Schedule 3 would constitute EIA development.</p> <p>EIA Applications.</p>	<p><u>NPPF</u></p> <p><u>DMPO 2015</u></p> <p>See paragraph 4 of Appendix 1</p>

	(England) Order 2015 (As Amended)		
<b>Flood Risk Assessment</b>	<p>Lewes. CP12: Flood Risk, Coastal Erosion and Drainage</p> <p>Eastbourne US4: Flood Protection and Surface Water Disposal US5: Tidal Flood Risk US6: Integrity of Flood Defences</p> <p>National Planning Policy Framework (NPPF), paras 43, 159-160, 163- 164</p>	All applications where site area >1ha in Flood Zone 1; all proposals where application site is in Flood Zones 2 and 3	<p><u>NPPF - Chapter 14</u></p> <p><u>Planning Policy</u></p> <p><u>Planning Practice Guidance</u></p> <p><u>Environment Agency Flood Risk Assessment Guidance</u></p> <p><u>Flood Maps for Planning</u></p> <p>See paragraph 8 of Appendix 1</p>
<b>Flooding Sequential Test</b>	<p>NPPG - Flood risk assessment: the sequential test for applicants</p> <p>Lewes. Core Policy 12 (Flood Risk, Coastal Erosion &amp; Drainage)</p> <p>Eastbourne. D9: Natural Environment US4: Flood Protection and Surface Water Disposal US5: Tidal Flood Risk US6: Integrity of Flood Defences</p> <p>National Planning Policy Framework (NPPF), paras 43, 159-160, 163- 164</p>	<p>Major development is in flood zone 2 or 3.</p> <p>Not required when:</p> <ul style="list-style-type: none"> <li>• A sequential test has already been carried out for a development of the type your planning (e.g. a residential development) for your site.</li> <li>• Development involves a change of use (e.g. from commercial to residential) unless your development is a caravan, camping chalet, mobile home, or park home site</li> </ul>	<p><u>Flood Risk Assessment: The Sequential Test</u></p> <p><u>Planning Policy</u></p> <p><u>NPPF</u></p> <p>See paragraph 8 of Appendix 1</p>

<b>Foul Sewerage and Utilities Assessment</b>	<p>Lewes CP12: Flood Risk, Coastal Erosion and Drainage DM22: Water Resources and Water Quality</p> <p>Eastbourne NE4: Sustainable Drainage Systems NE15: Protection of Water Quality</p>	<p>All applications for major development</p>	<p><u>Building Regulations Part H</u></p> <p><u>Sewers for Adoption</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 39 of Appendix 1</p>
<b>Health Impact Assessment</b>	<p>Eastbourne Policy D1: Sustainable Development Policy D7: Community, Sport and Health</p>	<p>All major applications</p> <p>All applications with specific public health impacts</p>	<p><u>NPPF</u></p> <p><u>Planning Policy</u></p>
<b>Heritage Statement (Including Archaeological Assessment)</b>	<p>Lewes. DM33: Heritage Assets</p> <p>CP11: Built and Historic Environment and Design</p> <p>Eastbourne D10: Historic Environment UHT15: Protection of Conservation Areas UHT16: Protection of Areas of High Townscape Value UHT17: Protection of Listed Buildings and their Settings UHT18: Buildings of Local Interest UHT19: Retention of Historic Buildings</p>	<p>All applications for development affecting a designated heritage asset or its setting. Heritage assets include, but are not restricted to, listed buildings, scheduled monuments, archaeological areas, conservations area, historic parks and gardens and historic battlefields</p>	<p><u>LDC Heritage and Design Guidance (including link to Heritage Statement Template)</u></p> <p><u>EBC Heritage and Design Guidance (including link to Heritage Statement Template)</u></p> <p><u>ESCC Archaeology Guidance</u></p> <p><u>NPPF</u></p> <p><u>Government Guidance on Heritage Statements</u></p> <p><u>Historic England Charter</u></p> <p><u>Planning Policy</u></p> <p>See paragraphs 10 and 11 of Appendix 1</p>

	National Planning Policy Framework (NPPF), para 189		
<b>House in Multiple Occupation (HMO) Management Plan</b>	Eastbourne B2: Creating Sustainable Communities D5: Housing	All applications for HMOs falling within the Sui Generis Use Class	<u>Planning Policy</u>
<b>Housing Statement</b>	Lewes. CP1: Affordable Housing CP2: Housing Type, Mix and Density  Eastbourne D5: Housing HO11: Residential Densities HO12: Residential Mix	All applications for residential development	<u>Planning Policy</u>  See paragraph 19 of Appendix 1  <u>EBC &amp; LDC Affordable Housing Supplementary Planning Document</u>
<b>Land Contamination Assessment</b>	Lewes. DM21: Land Contamination  Eastbourne NE17: Contaminated Land  National Planning Policy Framework (NPPF), paras 179-180	All applications on sites where contamination is known or suspected to exist	<u>NPPF - Chapter 15</u>  <u>Government Guidance on Land Affected by Contamination Planning Policy</u>  See paragraph 28 of Appendix 1
<b>Landscape Appraisal/Study Landscape Visual Impact Assessment Landscaping Details</b>	Lewes. CP10: Natural Environment and Landscape CP11: Built and Historic Environment & Design  Eastbourne D9: Natural Environment	All applications for development, except householder applications, outside of the designated settlement boundary	<u>NPPF - Chapters 8, 12, 13, 14 and 15</u>  <u>Planning Practice Guidance</u>  <u>Planning Policy</u>  See paragraphs 21 and 22 of Appendix 1

	D10a: Design NE28: Environmental Amenity UHT1: Design of New Development UHT4: Visual Amenity UHT7: Landscaping		
<b>Lighting Assessment</b>	Lewes. CP11: Built and Historic Environment & Design DM20: Pollution Management DM25: Design  Eastbourne D10a: Design NE28: Environmental Amenity UHT1: Design of New Development UHT13: External Floodlighting	All Major Applications  All applications proposing external lighting in the Districts Dark Villages	<u>Planning Policy</u>  See paragraph 23 of Appendix 1
<b>Marketing/Viability/Need Assessment</b>	Lewes CP1: Affordable Housing CP3: Gypsy and Traveller Accommodation CP4: Economic Development and Regeneration CP5: The Visitor Economy CP6: Retail and Town Centres CP7: Infrastructure DM10: Employment Development in the Countryside	Development proposals that result in the loss of visitor accommodation, attractions, and recreation facilities  Development proposals for new residential development where the required provision of Affordable Housing will not be met  Applications for the removal of agricultural/forestry occupancy conditions	<u>Planning Policy for Traveller Sites</u>  <u>Caravan Sites and the Control of Development Act 1960</u>  <u>Lewes District Employment Land Review</u>  <u>Eastbourne Employment Land Review</u>  <u>LDC Affordable Housing Supplementary Planning Document</u>

	<p>DM11: Existing Employment Sites in the Countryside DM13: Existing Visitor Accommodation</p> <p>Eastbourne D5: Housing B11: Retention of Cass B1, B2 and B8 Sites and Premises B14: Retention of Employment Commitments HO3: Retaining Residential Use HO7: Redevelopment HO8: Redevelopment of Garage courts HO9: Conversions and Change of Use HO10: Residential Use Above Shops HO14: Houses of Multiple Occupation HO15: Dedicated Student Accommodation HO16: Sheltered Housing HO17: Supported and Special Needs Housing HO18: Wheelchair Housing LCF2: Resisting Loss of Playing Fields LCF21: Retention of Community Facilities TO2: Retention of Tourist Accommodation</p>	<p>Development proposals to meet the needs of the Gypsy and Travelling community</p> <p>Change of use resulting in the loss of employment land</p> <p>Development resulting in the loss of retail (Class A/E) units</p> <p>Development that would result in the loss of community facilities</p>	<p><u>EBC Affordable Housing Supplementary Planning Document</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 32 in Appendix 1</p>
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<p><b>Noise Assessment</b></p>	<p>Lewes. CP11: Built and Historic Environment &amp; Design DM20: Pollution Management DM23: Noise DM25: Design</p> <p>Eastbourne. D10a: Design NE18: Noise NE28: Environmental Amenity</p> <p>National Planning Policy Framework (NPPF), para 180</p>	<p>All applications, other than householder, likely to generate noise that may raise issues of disturbance by noise and/or reduce tranquillity, including where residential or other noise sensitive uses are proposed adjacent to existing noise sources</p>	<p><u>NPPF - Chapters 15 and 17</u></p> <p><u>Planning Practice Guidance - Noise</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 25 of Appendix 1</p>
<p><b>Open Space Assessment</b></p>	<p>Lewes. CP8: Green Infrastructure CP11: Built and Historic Environment &amp; Design DM14: Multi-function Green Infrastructure DM15: Provision for Outdoor Playing Space DM16: Children's' Play Space in New Housing Development</p> <p>Eastbourne D9: Natural Environment D10a: Design D11: Eastbourne Park E1: Infrastructure Delivery LCF2: Resisting Loss of Playing Fields</p>	<p>All applications for development where public open space is to be lost or new open space required as part of the development</p>	<p><u>NPPF - Chapter 8</u></p> <p><u>Government Guidance on - Open Spaces, Sports and Recreation Facilities, Public Rights of Way and Local Green Space</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 24 of Appendix 1</p>



	LCF3: Criteria for Children's Play space LCF4: Outdoor Playing Space Contributions		
<b>Information to support Outline Applications.</b>  <b>Where the matters are reserved for subsequent approval the Council may call in additional material</b>	The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended)	Outline Applications	<u>Application Guidance</u>  <u>DMPO 2015</u>
<b>Playing Field/Sports Provision Assessment</b>	Lewes. CP6: Retail and Town Centres CP8: Green Infrastructure DM15: Provision for Outdoor Playing Space  Eastbourne LCF2: Resisting Loss of Playing Fields LCF3: Criteria for Children's Play space LCF4: Outdoor Playing Space Contributions LCF5: Eastbourne Sports Park UHT8: Protection of Amenity Space	All development which would result in the loss of playing fields or impact on existing sports facilities	<u>NPPF - Chapter 8</u>  <u>Government Guidance on - Open Spaces, Sports and Recreation Facilities, Public Rights of Way and Local Green Space</u>  <u>Planning Policy</u>  See paragraph 40 of Appendix 1
<b>Planning Obligation Provisions (Unilateral Undertakings or a Draft Heads of Terms there will be a charge for legal services to complete the agreements and also a monitoring charge for compliance)</b>	National Planning Policy Framework (NPPF), para 56	All major applications (10+ dwellings, over 1000 square metres of non-residential floor space etc) will be required to be accompanied by draft Heads of Terms for S106	<u>NPPF</u>  See paragraph 31 of Appendix 1

<b>Planning Statement</b>  <b>(can include Statement of Community Involvement)</b>	National Planning Policy Framework (NPPF)	A Planning Statement will be required for all applications where the context and justification for a proposed development needs to be demonstrated, including but not limited to: <ul style="list-style-type: none"> <li>• All major applications</li> <li>• Changes of use; and</li> <li>• Developments that do not accord with the development plan.</li> </ul>	<u>National Validation requirements</u>  <u>NPPF</u>  <u>DMPO 2015</u>  See paragraphs 1 and 2 of Appendix 1
<b>Planning statement and additional supporting information – Variation of condition and minor material amendments</b>	Town and Country Planning Act 1990	Variation/removal of condition and minor material amendment (Section 73 of the Town and Country Planning Act 1990)	National Planning Practice Guidance on <u>flexible options for planning permission</u>
<b>Planning statement and additional supporting information – Non-material amendments</b>	Town and Country Planning Act 1990	Non-material amendment applications	National Planning Practice Guidance on <u>flexible options for planning permission</u>
<b>Renewable/Low Carbon Energy and Sustainable Use of Resources Statement</b>	Lewes. CP14: Renewable and Low carbon Energy  Eastbourne D1: Sustainable Development	All applications	<u>Sustainable Building Design - Supplementary Guidance</u>  <u>Renewable Energy Guidance</u>  <u>LDC Electric Vehicle Charging Points Technical Guidance</u>  <u>EBC Electric Vehicle Charging Points Technical Guidance</u>  <u>Planning Policy</u>  See paragraph 18 of Appendix 1

<p><b>Retail/Leisure Impact Assessment</b>  <b>Main Town Centre and Retail Sequential Test</b></p>	<p>Lewes.  CP6: Retail and Town Centres</p> <p>Eastbourne  Town Centre Local Plan</p> <p>National Planning Policy Framework (NPPF), para 89</p>	<p>Required where retail floor space exceeds the below standards:  Main Town Centre - 750sqm or more  District Centre - 500sqm or more  Local Service Centre - 250sqm or more</p> <p>Outside of Town Centre Leisure Uses above 2500sqm</p> <p>Applications for any of the following:</p> <ul style="list-style-type: none"> <li>• Major Retail and leisure developments</li> <li>• Smaller retail and leisure likely to have a significant impact on smaller centres.</li> <li>• Applications for other main town centre uses when they are an edge of centre or out of centre location, and not in accordance with a development plan.</li> </ul>	<p><u>Town Centre Vitality</u></p> <p><u>NPPF</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 45 of Appendix 1</p>
<p><b>Road Safety Audit (Stage 1 required at Validation)</b></p>	<p>National Planning Policy Framework (NPPF), para 108</p>	<p>For all major developments that include any of the following:</p> <ul style="list-style-type: none"> <li>• Alteration to an existing highway.</li> <li>• Intensification of use of existing access.</li> <li>• Formation of a new access.</li> <li>• Off-site highway improvements.</li> <li>• New residential estate roads.</li> </ul>	<p><u>NPPF</u></p> <p>See paragraph 33 of Appendix 1</p>
<p><b>Schedule of works</b></p>	<p>Planning (Listed Buildings and Conservation Areas) Act 1990</p> <p>National Planning Policy Framework (NPPF)</p> <p>Lewes.  DM33: Heritage Assets</p>	<p>All Listed Building Consent applications</p>	<p><u>LDC Heritage and Design Guidance (including link to Heritage Statement Template)</u></p> <p><u>EBC Heritage and Design Guidance (including link to Heritage Statement Template)</u></p> <p>ESCC Archaeology Guidance</p>

	<p>CP11: Built and Historic Environment and Design</p> <p>Eastbourne D10: Historic Environment UHT15: Protection of Conservation Areas UHT16: Protection of Areas of High Townscape Value UHT17: Protection of Listed Buildings and their Settings UHT18: Buildings of Local Interest UHT19: Retention of Historic Buildings</p>		<p><u>NPPF</u></p> <p><u>Government Guidance on Heritage Statements</u></p> <p><u>Historic England Charter</u></p> <p><u>Planning Policy</u></p>
<b>Site Survey (Topographical Survey)</b>	<p>Lewes. CP2: Housing Type, Mix and Density DM25: Design</p> <p>Eastbourne D5: Housing D10a Design UHT1: Design of New Development</p> <p>National Planning Policy Framework (NPPF)</p>	<p>Required on all developments involving new residential dwellings.</p> <p>All Major developments</p>	<p><u>NPPF</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 42 of Appendix 1</p>
<b>Soil Management Plan</b>	<p>National Planning Policy Framework (NPPF)</p>	<p>All applications for development where the movement of top and/or subsoils is proposed</p>	<p><u>NPPF - Chapter 15</u></p> <p>See paragraph 34 of Appendix 1</p>

<b>Sunlight/Daylight Assessment</b>	<p>Lewes. CP11: Built and Historic Environment &amp; Design</p> <p>DM25: Design</p> <p>DM28: Residential Extensions</p> <p>Eastbourne D10a: Design HO20: Residential Amenity UHT1: Design of New Development</p>	<p>All applications for development where there is the potential to impact on the sunlight/daylight of an adjoining property</p>	<p><u>BRE Sunlight/Daylight Assessment Guidance</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 27 of Appendix 1</p>
<b>Surface Water Drainage Strategy</b>	<p>Lewes. CP11: Built and Historic Environment &amp; Design CP12: Flood Risk, Coastal Erosion and Drainage DM22: Water Resources and Water Quality</p> <p>Eastbourne NE4: Sustainable Drainage Systems US4: Flood Protection and Surface Water Disposal US5: Tidal Flood Risk US6: Integrity of Flood Defences</p>	<p>All applications for major development</p> <p>Allocations within Local Plan</p> <p>All applications where there is a net gain in hard surface or building coverage</p>	<p><u>SuDS Calculation Tool</u></p> <p><u>NPPF - Chapter 14</u></p> <p><u>Planning Practice Guidance - Water</u></p> <p><u>Sustainable Drainage Systems: Non-statutory Technical Standards</u></p> <p><u>Guide to Sustainable Drainage Systems in East Sussex</u></p> <p><u>Rainfall Runoff Management for Developments</u></p> <p><u>Planning Policy</u></p> <p>See paragraph 9 of Appendix 1</p>
<b>Sustainability Statement</b>  <b>Sustainability in Development Technical Advice Note (TAN)</b>	<p>Lewes. CP14: Renewable and Low carbon Energy</p>	<p>All applications for new residential, commercial, agricultural or community buildings, including conversion of existing buildings</p>	<p><u>Building Research Establishment Environmental Assessment Method</u></p>

<b>Sustainability in Development Checklist</b>	Eastbourne. D1: Sustainable Development	<p>TANS Sustainability in Development: Appendix 1 is for Major Applications which is to be used on applications which meet the following criteria:</p> <ul style="list-style-type: none"> <li>• Residential: 10 or more dwellings / over half a hectare / building(s) exceeds 1000m<sup>2</sup> floor space</li> <li>• Commercial: 1,000m<sup>2</sup> or more floor space / 1 or more hectares 4.7</li> </ul> <p>Appendix 2 is for Minor Applications and should be used on applications which meet the following criteria:</p> <ul style="list-style-type: none"> <li>• Residential: up to 10 dwellings</li> <li>• Commercial: under 1,000m<sup>2</sup> floor space / less than 1 hectares</li> </ul>	<p><a href="#">Sustainable Building Design - Supplementary Guidance</a></p> <p><a href="#">Renewable Energy Guidance</a></p> <p><a href="#">LDC Electric Vehicle Charging Points Technical Guidance</a></p> <p><a href="#">EBC Electric Vehicle Charging Points Technical Guidance</a></p> <p><a href="#">TAN Sustainability in Development</a></p> <p><a href="#">TAN Circular Economy</a></p> <p><a href="#">Planning Policy</a></p> <p>See paragraph 18 of Appendix 1</p>
<b>Statement of Community Involvement (SCI)</b>	National Planning Policy Framework (NPPF), para 128	<p>SCI will be provided where the proposal:</p> <ul style="list-style-type: none"> <li>• Is contrary to (a departure from) the Development Plan policies.</li> <li>• Major Development</li> <li>• Other potentially controversial applications where the nature of the development is likely to attract significant local interest.</li> </ul>	<p><a href="#">NPPF</a></p> <p>See paragraph 3 of Appendix 1</p>
<b>Telecommunications Statement</b>	Lewes. DM32: Telecommunications Infrastructure  Eastbourne US9: Telecommunications Development	All telecommunications equipment applications	<p><a href="#">Code of Best Practice on Mobile Network Development in England</a></p> <p><a href="#">NPPF</a></p> <p><a href="#">Planning Policy</a></p> <p>See paragraph 30 of Appendix 1</p>

	National Planning Policy Framework (NPPF), paras 112-116		
<b>Transport Assessment/Parking Provision Assessment including the location and number of electric charging points and vehicle tracking and visibility splays</b>	<p>Lewes. CP11: Built and Historic Environment &amp; Design CP13: Sustainable Travel DM35: Footpath, Cycle and Bridleway Network</p> <p>Eastbourne D8: Sustainable Travel TR2: Travel Demands TR5: Contribution to the Cycle Network TR8: Contributions to the Pedestrian Network TR11: Car Parking</p> <p>National Planning Policy Framework (NPPF), paras 102, 108 111-112</p>	<p>All applications for major development</p> <p>All applications likely to generate 30 two-way peak hour vehicle trips or more will require a Transport Assessment.</p> <ul style="list-style-type: none"> <li>• Applications likely to result in a material increase in the character of traffic entering or leaving a trunk road will require a Transport Assessment.</li> <li>• Applications that result in lower but still significant transport considerations will require a Transport Statement</li> </ul> <p>All applications likely to result in either:</p> <ul style="list-style-type: none"> <li>• a loss or gain in parking provision on site.</li> <li>• an increase in parking demand.</li> <li>• a change to vehicular / pedestrian access</li> </ul> <p>As part of the transport assessment vehicle tracking and visibility details shall be provided</p>	<p><u>NPPF - Chapters 6, 9, 13 and 17</u></p> <p><u>Planning Practice Guidance - Transport</u></p> <p><u>ESCC Parking Standards</u></p> <p><u>Transport Assessments Advice</u></p> <p><u>Planning Policy</u></p> <p>See Paragraphs 13, 15 and 16 of Appendix 1</p>
<b>Travel Plan</b>	<p>Lewes. CP11: Built and Historic Environment &amp; Design CP13: Sustainable Travel DM35: Footpath, Cycle and Bridleway Network</p>	<p>All applications for major development</p> <p>All non-residential proposals involving 50 employees or more. • Development that is likely to increase accidents or conflicts between motorised and non-road</p>	<p><u>NPPF - Chapters 6, 9, 13 and 17</u></p> <p><u>Planning Practice Guidance - Travel</u></p> <p><u>ESCC Travel Plan Guidance</u></p>

	<p>Eastbourne D8: Sustainable Travel TR2: Travel Demands</p> <p>National Planning Policy Framework (NPPF), paras 111-112</p>	<p>users particularly the vulnerable • Development generating 30 or more two-way vehicle movements in any hour • Development generating 100 or more parking spaces • Development generating significant freight or HGV vehicles per day, or significant abnormal loads</p>	<p><u>Planning Policy</u></p> <p>See paragraph 14 of Appendix 1</p>
<p><b>Tree Survey, or Arboricultural Assessment, or Arboricultural Method Statement and Tree Protection Plan</b></p>	<p>Lewes. CP10: Natural Environment and Landscape DM24: Protection of Biodiversity and Geodiversity DM25: Design DM27: Landscape Design</p> <p>Eastbourne D10a: Design NE28: Natural Environment UHT1: Design of New Development UHT4 Visual Amenity UHT6: Tree Planting UHT7: Landscaping</p> <p>National Planning Policy Framework (NPPF), paras 170, 175</p>	<p>All applications for development with the potential to affect trees</p>	<p><u>Wild Birds: Protection and Licences</u></p> <p><u>Bats: Building, Planning and Development</u></p> <p><u>NPPF</u></p> <p><u>Planning Policy</u></p> <p>See Paragraph 7 of Appendix 1</p>
<p><b>Ventilation/Extraction Details</b></p>	<p>Lewes. CP9: Air Quality</p> <p>Eastbourne NE28: Environmental Amenity</p>	<p>All applications for development that includes installation of ventilation/extraction equipment</p>	<p><u>Planning Practice Guidance (Noise)</u></p> <p><u>Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust</u></p>



	National Planning Policy Framework (NPPF), para 170		<u>HSE: Ventilation in Catering Kitchens</u>  <u>NPPF</u>  <u>Planning Policy</u>  See paragraph 26 of Appendix 1
<b>Waste Provision Statement, or Waste Management Plan/Strategy</b>  <b>Site Waste Management Plan</b>  <b>Circular Economy</b>	Lewes. CP11: Built and Historic Environment & Design DM20: Pollution Management  Eastbourne NE5: Minimisation of Construction Waste NE6: Recycling Facilities NE7: Waste Minimisation Measures in Residential Areas	To be submitted for all Major and Minor application types of development at officer discretion	<u>Recycle Kerbside SPG</u>  <u>Circular Economy TAN</u>  <u>Planning Policy</u>  See Paragraph 29 of Appendix 1
<b>Window and Door Details</b>	Lewes. CP2: Housing Type, Mix and Density CP11: Built and Historic Environment & Design  DM25: Design DM28: Residential Extensions DM33: Heritage Assets  Eastbourne D10: Historic Environment D10a Design	On all applications that are proposing changes and adaptations to existing windows and doors and this will primarily be in Conservation Areas and Listed Buildings	<u>Planning Policy</u>  See paragraph 12 of Appendix 1

	UHT1: Design of New Development UHT15: Protection of Conservation Areas UHT17: Protection of Listed Buildings and their settings		
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