

Full Council

28 February 2024



Working in partnership with **Eastbourne Homes**

Quorum: 7

Published: Tuesday, 20 February 2024

To the Members of the Borough Council

You are summoned to attend an ordinary meeting of Eastbourne Borough Council to be held at the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 February 2024 at 6.00 pm to transact the following business.

Agenda

1 Minute's Silence

The Council will hold a minute's silence for former Councillor and Mayor, Olive Woodall.

2 Minutes of the meetings held on 15 November 2023 and 24 January 2024 (Pages 11 - 26)

3 Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

4 Mayor's announcements. (Pages 27 - 30)

A list of the Mayor's announcements in respect of his activities since the last meeting is attached for information.

5 Notification of apologies for absence.

6 Public right of address.

The Mayor to report any requests received from a member of the public under council procedure rule 11 in respect of any referred item or motion listed below.

7 Order of business.

The Council may vary the order of business if, in the opinion of the Mayor, a matter should be given precedence by reason of special urgency.

8 Petition - EBC must give Defiant Sports compensation, an alternative site and hold a public meeting re Fort Fun (Pages 31 - 32)

A petition signed by 1,938 people has been received with the statement 'EBC must give Defiant Sports compensation, an alternative site and hold a public meeting re Fort Fun', has been submitted and the full petition statement is attached.

In accordance with the Council's petition scheme, Loretta Lock (Managing Director, Defiant Sports) as the petition organiser will have 5 minutes to present the petition. Then there will be 15 minutes of Council debate.

9 Matters referred from Cabinet or other council bodies.

The following matters are submitted to the Council for decision (council procedure rule 12 refers):-

(a) Council Budget and Setting of the Council Tax for 2024/25 (Pages 33 - 64)

Report of the Chief Finance Officer and Councillor Maxted on behalf of the Cabinet. Referred from Cabinet incorporating the recommendations from the Cabinet reports on:

- General Fund Revenue Budget 2024-25 and Capital Programme
- Treasury Management and Prudential Indicators 2024-25 Capital Strategy
- Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024-25
- Changes to Discretionary Council Tax Discounts and Empty Homes Premiums from 01 April 2024

Please note that the Local Authorities (Standing Orders) (England) Amendment) Regulations 2014 requires named votes to be taken and recorded when setting the annual budget and council tax, including on substantive motions and any amendments.

(b) Local council tax reduction scheme (Pages 65 - 200)

Report of Councillor Robin Maxted on behalf of the Cabinet held on 7 February 2024.

(c) Corporate Plan 2024 - 2028 (Pages 201 - 212)

Report of Councillor Stephen Holt on behalf of the Cabinet held on 7 February 2024,

(d) Approval of Licensing Fees 2024/2025 (Pages 213 - 228)

Report of the Director of Service Delivery

10 Calendar of Meetings 2024/25 (Pages 229 - 230)

To agree the Calendar of Meetings for 2024/25.

Please note - The Council dates will be subject to final approval at the annual meeting of the Council, in accordance with legislation.

11 Motions.

The following motions have been submitted by members under council procedure rule 13:-

(a) Motion - Gaza Conflict

Motion submitted by Councillor Holt.

“This Council:

- Expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in Eastbourne who have been affected by this conflict we offer our support in this difficult time.
- Condemns the murder of Israeli civilians, the taking of hostages by Hamas and subsequent death and destruction in Gaza, killing tens of thousands of Palestinians.
- Believes that the urgent priority must be to stop the deaths and suffering of any more civilians in Gaza, Israel and the rest of Palestine.
- Hopes for an immediate further release of all hostages and release of Palestinian prisoners held without charge and an immediate permanent ceasefire to allow more aid and the possibility of a peaceful resolution.
- Believes that the only credible basis for long-term peace is the delivery of a Palestinian state alongside a safe and secure Israel.
- Believes the tragic recent events in Israel, Gaza and Palestine must not be allowed to divide our communities in Eastbourne.
- Condemns the increase in anti-Semitic and Islamophobic violence and abuse in the UK and that all forms of racism have no place in Eastbourne.

The Council resolves to:

1. Explore how the Council can better support and facilitate events for people of all faiths and none, where they can come together and express solidarity and sadness in response to these events.
2. Offer appropriate support to any local resident who needs our assistance as a result of these violent events.
3. Ask the Leader of the Council to write to the Secretary of State for Foreign, Commonwealth and Development Affairs to call on the UK Government:
 - a) to press all parties to agree:
 - i. to an urgent permanent, bilateral ceasefire in Gaza, Israel and the rest of Palestine and to make every effort to resume the peace process;
 - ii. to guarantee that international humanitarian law is upheld and that civilians are protected in accordance with those laws;

iii. To allow the Red Cross immediate access to hostages in Gaza, in order to provide urgent medical aid to the elderly, the sick and the wounded and to ensure all civilians have access to humanitarian support, including unfettered access to medical supplies, food, electricity, other fuel and water.

b) to do all in its powers to support those that are committed to a permanent peace and a 2-state solution.”

(b) Motion - To support the youth voice in Eastbourne

Motion submitted by Councillor Williams

Background:

As part of Eastbourne Alive, the wraparound programme of the Turner Prize in Eastbourne, the Eastbourne Alive team has collaborated with East Sussex College and its students to co-create a Town Manifesto, giving voice to the young people in our community. Following an open dialogue with Councillor Williams and Councillor Holt at the Town Hall, the insights gathered from young people highlighted their priorities in areas that included accessibility, inclusivity, safety, transport, creativity, wellbeing, and economy. Recognising the invaluable perspectives offered, this motion seeks to formalise a process where the local authority actively listens, reflects, and acts on youth voice, emphasising its significance in decision-making processes affecting both the present and future of our younger residents.

“Motion:

The Council will adopt a new and co-created approach to local democracy by seeking to:

Connect with Young People:

To encourage all local Councillors to connect with existing youth structures and seek to provide a platform for young people to offer an input on policies and participate in discussions on local issues.

To offer an annual open forum at the Town Hall hosted by Councillors, allowing young people to express their views to elected members on matters important to them.

Promote Youth-Friendly Spaces:

To actively promote youth-friendly spaces and events where young people can express their ideas, concerns, and aspirations for the community.

Collaboration:

For the relevant Cabinet Members and members appointed by Full Council to hold a ‘youth brief’, to seek to collaborate with local schools, youth and community groups to encourage young people to be consulted and

involved in decision-making processes and civic activities.

Promote Street Art and Young Artists:

To promote street art, murals, and showcasing the talent of young artists, reflecting the desire of young people to see themselves reflected in the town through 'colour' and life.

Support Young Artists Market:

To support the Youth Market and ensure it provides creative opportunities to showcase young people's talent, fostering town-wide pride in our youth."

(c) Motion - Houses in Multiple Occupation (HMO) Study

Motion submitted by Councillor Smart

"This Council requests the issuing of the updated report by Aecom entitled 'Eastbourne Houses in Multiple Occupation (HMO) Study', a draft of which was produced in June 2023, subject to Aecom having all required information, and will as a matter of urgency bring forward and consider through a future committee report the intervention options that might be proposed in the final report, including, but not limited to Article 4 intervention."

(d) Motion - A Housing Emergency

Motion submitted by Councillor Diplock

"This Council notes:

- The unanimous, cross-party call on Government made at November's Full Council meeting.
- At the Eastbourne Borough Council-led Housing Conference in Westminster in January, Conservative, Labour, Liberal Democrat and Independent local authorities repeated our collective call to raise the cap on housing benefit subsidy for local authority housing placements from the current 2011 levels, in order to properly reflect the real costs of providing Temporary Accommodation (TA).
- That this meeting was joined and supported by Crisis, the Trussell Trust, MPs and Peers.
- The most recently available figures show that rough sleeping in England has increased by 26%, and a record 280,000 households are in TA.
- Over the 2023/24 financial year, this has resulted in:
 - Ordinary working families being priced out of the housing market through no fault of their own;
 - Almost everyone knowing someone who is struggling to access

housing of their choice; and

- The Council's total net spend on TA in 2023/24 forecast to be circa £4.6m, up from £1.3m just three years ago, with scores of local authorities across the country similarly affected.

This situation is unsustainable and continues to represent an existential threat to local government.

Whilst the Council's teams will continue to do everything in its powers to meet both the needs of its residents and its statutory obligations, the system was not created to deal with these numbers. The driving forces underpinning this are systemic and structural and are not in the Council's control. Under current funding arrangements the Council does not have the resources to solve the problem alone.

As such, this Council resolves to:

1. Declare a Housing Emergency for the Borough of Eastbourne.
2. Recognise and endorse the work of the Leader of the Council in pursuing a cross party, cross community consensus on this national challenge.
3. Reaffirm the full support of this Council in the actions of this authority, and that the Leader of the Council and Chief Executive continue to press the Secretary of State for Levelling Up, Housing and Communities and the Chancellor of the Exchequer - along with their shadow counterparts - for additional resources to help those local housing authorities and councils worst affected, such as Eastbourne, including raising the current 2011 cap on housing benefit subsidy for local authority housing placements.
4. Continue to work with the sector and try and engage Government to develop long term solutions to fix the national housing crisis."

(e) Motion - Health Services at the Eastbourne DGH

Motion submitted by Councillor Diplock

"This Council:

- Recognises the demands placed on the NHS, and the phenomenal hard work and dedication of the doctors, nurses and the healthcare family. We thank them for it.
- Notes that in 2010, Eastbourne had a 24/7 in-patient paediatrics unit, a fully-fledged and operational maternity unit, and several branches of emergency medicine.
- Notes that, some 14 years later, emergency general surgery and emergency orthopaedics have gone from the Eastbourne District General Hospital (DGH). The DGH's full maternity unit has been

downgraded to a midwife-led unit, which itself was closed for almost 3 months in total last year and has been closed since December with no date to reopen, conducting outpatient appointments only. In January 2024, East Sussex Healthcare NHS Trust (ESHT) began implementing changes to DGH paediatric services, including the closure of the Short Stay Paediatric Unit. In December 2023, the East Sussex Health Overview and Scrutiny Committee (HOSC) called for a pause to ESHT's changes to paediatric services at the DGH and is conducting a review.

This Council:

1. Endorses the decision to request the Secretary of State for Health and Social Care to call in the changes by ESHT to DGH paediatrics.
2. Calls on the Secretary of State for Health and Social Care to outline how they will support ESHT to overcome the midwife shortage that has led to the DGH Midwifery Unit to close for births; and
3. Calls upon ESHT to:
 - Pause the changes to paediatric services, allowing a full review of the proposals;
 - Make public its plans to permanently and safely re-open the DGH's Midwifery Unit for births;
 - Commit to being transparent and open with local residents;
 - Commit to reviewing its threshold for what constitutes significant change; and
 - Commit to fully inform and consult both HOSC and the people of Eastbourne before any future changes to services at the DGH are implemented."

12 Discussion on minutes of council bodies.

Members of the Council who wish to raise items for discussion (council procedure rule 14) on any of the minutes of the meetings of formal council bodies listed below must submit their request to the Head of Democratic Services no later than 10.00 am on the day of the meeting. A list of such items (if any) will be circulated prior to the start of the meeting.

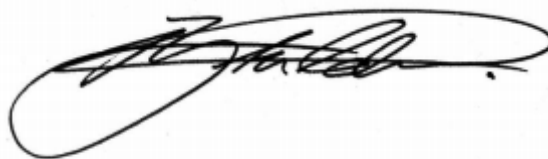
The following are appended to this agenda:-

- (a) **Minutes of Audit and Governance Committee - 28 November 2023** (Pages 231 - 236)
- (b) **Minutes of Scrutiny Committee - 4 December 2023** (Pages 237 - 246)
- (c) **Minutes of Licensing Committee - 5 December 2023** (Pages 247 - 252)
- (d) **Minutes of Cabinet - 13 December 2023** (Pages 253 - 260)
- (e) **Minutes of Licensing Committee - 15 January 2024** (Pages 261 - 264)
- (f) **Minutes of Planning Committee - 29 January 2024** (Pages 265 - 268)

(g) **Minutes of Cabinet - 7 February 2024** (Pages 269 - 276)

13 Date of Next Meeting

The next meeting is scheduled to take place on 22 May 2024 at 6 pm.



Robert Cottrill
Chief Executive

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. If you would like to use the hearing loop please advise Democratic Services (see below for contact details) either in advance of the meeting or when you arrive so that they can set you up with the relevant equipment to link into the system.

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.

Filming/Recording:

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

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

Items for discussion:

Members of the Council who wish to raise items for discussion on any of the minutes of council bodies attached to the meeting agenda, are required to notify Democratic Services by 10am on the day of the meeting.

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).

Democratic Services

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

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01323 410000

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Working in partnership with **Eastbourne Homes**

Full Council

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 15 November 2023 at 6.00 pm.

Present:

Councillor Candy Vaughan (Mayor).

Councillors Amanda Morris (Deputy Mayor), Nick Ansell, Kathy Ballard, Margaret Bannister, Colin Belsey, Daniel Butcher, Penny di Cara, Andy Collins, Ali Dehdashty, Peter Diplock, Christina Ewbank, Nigel Goodyear, Stephen Holt, Jane Lamb, Robin Maxted, Anita Mayes, Jim Murray, Hugh Parker, Pat Rodohan, Teri Sayers-Cooper, Kshama Shore, Alan Shuttleworth, David Small, Robert Smart, Colin Swansborough and Jenny Williams.

Officers in attendance:

Robert Cottrill (Chief Executive), Simon Russell (Head of Democratic Services and Monitoring Officer), Sarah Lawrence (Committee Team Manager) and Kate Slattery (Head of Legal Services).

28 Minutes of the meeting held on 26 July 2023

The minutes of the meeting held on 26 July 2023 were confirmed as a correct record.

29 Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

No declarations of interest were made.

30 Mayor's announcements.

The Council received a list of the Mayor's engagements carried out since the last Full Council meeting. The Mayor highlighted in particular meeting with Geoff Wayne at the LTA County Cup Finals, the excellence of the Invisible Man performance at the Devonshire Quarter, the opening of a Recovery Café in North Street, the 150 year anniversary of Cavendish Hotel, that the Deputy Mayor had attended the Ukrainian Independence Day Fundraiser, and the recent Remembrance Services.

31 Minute of Silence

The Mayor advised that since the last meeting of the Council, the Council had received news that former Councillors Leonard Smith and Brian Jones had died.

In addition, the Mayor stated that in the light of recent Remembrance Events, Councillor thoughts were with those who had lost their lives in wars, and were continuing to do so in ongoing conflicts, such as in Ukraine and the Middle East. The Mayor advised that the Council would be hosting a peace vigil at the Town Hall in the near future.

The Council then held a minute of silence.

32 Notification of apologies for absence.

There were no apologies for absence.

33 Public right of address.

The Mayor confirmed that three members of the public had requested to speak, and would be called on to speak at the start of the relevant agenda item:

- Mr Jeremy Sandle and Professor Nigel Harper had registered to speak on Agenda Item 10(d) 'Motion on Bylaws'.
- Ms Dorit Wolff had registered to speak on Agenda item 10 (e) 'Motion – Holocaust Memorial Day'.

34 Order of business.

The Mayor advised that she would be changing the order of business to take the Motions 10e and 10d ahead of the other Motions as part of Item 10 to prioritise those with public speakers.

35 Matters referred from Cabinet or other council bodies.

35a Updating and Alignment of the Scheme of Delegations to Officers

Councillor Holt moved and Councillor di Cara seconded the recommendations of the report of the Monitoring Officer on updating and aligning the Scheme of Delegations to Officers.

In moving the report, Councillor Holt extended his thanks to the Councillors who had considered the revised scheme as part of the Constitution Working Group and the Audit and Governance Committee.

The recommendations were put to a vote and carried.

RESOLVED (unanimously)

- (1) To consider the draft updated and aligned Scheme at report Appendix 1 and approve all council delegations; and
- (2) To note Cabinet's approval of all executive delegations.

35b Housing delivery and asset update

Councillor Diplock moved and Councillor Holt seconded the recommendations

from the Cabinet meeting on 20 September 2023 in relation to a new build and acquisitions budget.

In supporting the recommendations several Councillors highlighted that the Council had brought forward affordable social schemes every year over the last five years and highlighted the quality of the builds.

The recommendations were put to a vote and carried.

RESOLVED (unanimously) – To approve an increase of £2.41m to the existing new build and acquisitions budget within the 2023/24 HRA Capital Programme, totalling a new budget of £10.81m, to facilitate and be funded by new government grants.

35c **War Pensions and Armed Forces Compensation Policy**

Councillor Maxted moved and Councillor Belsey seconded the recommendations set out in the report in relation to disregarding, in the assessment of Housing Benefit, War Pension and Armed Forces Compensation income above the statutory disregard.

As part of supporting the recommendations, Members was asked that Officers seek ways in which to promote the policy, and work with all Councillors to encourage all those who were eligible to access this disregard.

The recommendations were put to a vote and carried.

RESOLVED (unanimously) -To agree the disregarding in full of War Pensions income and the Armed Forces Compensation income above the statutory disregard in the assessment of Housing Benefit.

36 **Members' Allowances Scheme - Report of the Independent Remuneration Panel (IRP)**

Councillor Holt moved a recommendation to accept the Independent Remuneration Panel's recommendation in relation to the Members' Allowance Scheme in full (option 1a) as set out in the report and this was seconded by Councillor Smart. It was asked that the thanks be extended to the Panel members for their work.

The recommendation was put to a vote and carried.

RESOLVED (By 24 votes to 0, with 3 abstentions)

- (1) To consider the recommendations of the Independent Remuneration Panel as set out at appendix 1 to the report and accept the Panel's recommendation in full;
- (2) That the Head of Democratic Services (and Monitoring Officer) be authorised to make the necessary amendments (if approved) to the Council's Members' Allowances Scheme; and
- (3) That thanks be conveyed to the Panel for the work undertaken and report

produced.

37 Polling Station Review

The Council considered the report of the Head of Elections and Local Land Charges to approve the arrangements in respect of polling districts and polling places in the Borough of Eastbourne following a public consultation. Councillor Holt moved and Councillor Smart seconded the recommendations of the report.

Thanks were extended to the elections team for considering all the alternative options, and for taking into account the views received through the consultation. It was recognised that no alternative suitable venue had been found in the Old Town Ward to Eastbourne Grace Baptist Church, at the current time. In addition, it was confirmed that the polling station for Sovereign Ward remained as the Conqueror Hall, following feedback and a reduction in the cost of hire.

The recommendations were put to a vote and carried.

RESOLVED (By 24 votes to 0, with 3 abstentions)

(1) That the Acting Returning Officer's proposals as set out in the report be approved, as follows:

- To confirm the designation of the whole of each of the nine wards as the polling place. If a polling station becomes unavailable at any time, that an internal review be conducted to locate the most suitable venue to serve the voters in the area, and where only one choice is available, this mitigates the need to conduct a full public consultation.
- That there be no change any of the stations in relation to Devonshire Ward, Hampden Park Ward, Langney Ward, Meads Ward and Sovereign Ward.
- Old Town Ward - To confirm Eastbourne Grace Baptist Church, Victoria Drive as the new polling station for OTA and OTD
- Ratton Ward – To amalgamate RNA and RNB into one polling district to remain at Broadway United Church to be known as RNA. RNC to become RNB and RND to become RNC. Willingdon Golf Club to remain as the venue for the new RNB polling district.
- St Anthony's Ward - To accept St Richard's Church Hall as the new venue for SAD, to alleviate the need to close the cafe and Food Bank at Langney Village Hall on election day.
- Upperton Ward – To revert to Emmanuel Church (formerly Upperton United Reformed Church) for UPA voters, as agreed in the Polling Place Review in 2018, and St Michael and All Angels be thanked for the use of the Hub on the Hill whilst the new Church was rebuilt.

(2) That the Head of Elections and Local Land Charges, on behalf of the Returning Officer and Electoral Registration Officer, be authorised to implement the Council's decisions in respect of the review.

38 Motions.**38a Motion - Holocaust Memorial Day**

Councillor Small moved and Councillor Bannister moved the motion as set out on the agenda papers as follows:

"Eastbourne Borough Council reaffirms its support for the International Holocaust Memorial Day event and commits the council's events team to continue to offer direct support with the organisation and public engagement of the event."

The public speaker, Dorit Wolff spoke to the motion as a survivor of the holocaust and thanked the Council for its support of the Holocaust Memorial Day. It was noted that the next event was on 27 January 2024 at the Congress Theatre.

The Council debated the motion and thanked the public speaker for attending. It was agreed across the Council that it was important that the Holocaust Memorial Day continued and that the Council play a role in supporting the event. Although the change of operator at the Devonshire Quarter meant that the Council could not commit that venue, it could offer the Town Hall and continued Council officer support.

The motion was put to a vote and carried unanimously.

RESOLVED that (unanimously) - Eastbourne Borough Council reaffirms its support for the International Holocaust Memorial Day event and commits the council's events team to continue to offer direct support with the organisation and public engagement of the event.

38b Motion - Bylaws

Councillor Lamb and Councillor Goodyear moved the motion as set out on the agenda papers as follows:

"We confirm that Eastbourne Borough Council should enforce its bylaws."

Councillor Maxted moved and Councillor Holt seconded the following amendment:

"Eastbourne Borough Council **will continue to** enforce its bylaws. **We ask that the Scrutiny Committee considers the current bylaws and makes any recommendations for repeal, amendments, or enforcement to a future Full Council meeting**".

The public speakers, Jeremy Sandle and Professor Nigel Harper, each spoke in relation to the motion for three minutes, on the need for the enforcement of bylaws.

The Council considered the motion and the amendment together and thanked the public speakers for attending. It was recognised that it might be appropriate for a cross-party task group of Councillors to be involved in the review of the bylaws, but that this was within the remit of the Scrutiny Committee to determine and establish if the amendment was approved.

The amendment was put to a vote and carried by 23 votes for, 2 against and 2 abstentions.

RESOLVED that (By 23 votes to 2, with 2 abstentions) - Eastbourne Borough Council will continue to enforce its bylaws. We ask that the Scrutiny Committee considers the current bylaws and makes any recommendations for repeal, amendments, or enforcement to a future Full Council meeting.

38c **Motion - Southern Water**

Councillor Murray moved and Councillor Sayers-Cooper seconded the motion as set out in the agenda in relation to Southern Water, subject to a minor amendment to add in an additional recommendation at 3) to call on the Government, 'e) To appoint a dedicated Minister for Coastal Communities'. Councillor Murray sought and received the permission of the Council to make this amendment at the start of the discussion.

Councillor di Cara moved and Councillor Shore seconded an alternative motion as follows:

"The Government has stated that 'Climate change has led to increased rainfall and water infrastructure has not kept pace with development growth'.

The Council:

- Notes that whilst the use of Combined Storm Overflows are unacceptably high across the water industry, due to the strong action taken to date through measures such as the Environment Act and the Governments 'Plan for Water' all water companies, including Southern Water, have been required to publish Storm Overflow reduction plans. This has already seen a fall in the number and volume of overflows and lead to £7.1bn of investment in to improving the environment across the industry for the 2020-2025 period and £56bn of further investment over the next 25 years. Southern Water have committed to a record £7.8bn over the 2025-2030 period.
- Notes that in 2022, Southern Water committed to spending £50m on a number of pilot projects, including trailing nature-based solutions at the Stapleford Wasterwater Treatment Works with the ambition to cut carbon emissions and increase biodiversity. One of these pilot projects, on the Isle of Wight, saw the roll out of 6000 slow drain water butts and saw a 70% fall in the number of storm overflows releases.
- Notes that the Environment Agency's 'Environmental Resource Budget' has almost doubled in recent years, from £56 million in

2020/21 to £96m in 2022/23.

- Notes that government housing targets have been scrapped and were only relevant to local councils who had failed to maintain an up to date local plan.
- Notes the key role the Regulated Asset Base Model has played in enabling £47bn of infrastructure investment into the water industry since privatisation, that has seen supply interruptions fall 5 fold, leakage fall 3 fold and pollution entering rivers and the sea fall 85% - with 93% of bathing waters now rated good or excellent, up from 76% in 2010. The loss of the RAB model would result in either infrastructure investment having to be cut substantially or very large increases to customer bills.
- Notes that the Environment Agency already has the powers to criminally prosecute chief executives and in partnership with OFWAT is currently carrying out the largest criminal investigation into the water industry, with the government now granting OFWAT the power to issued uncapped fines.

The Council commits to:

- Creating an action plan for sustainable drainage across all council owned buildings in the borough.
- Carry out an audit of all council owned buildings to ensure their sewage systems are not 'misconnected' to the surface water system in light of the previous failures in this area.
- Officers reporting back quarterly to the scrutiny committee on their work, in conjunction with Southern Water, to tackle illegal misconnections to the surface water network.
- Working with all relevant partners to support the roll out of storm attenuation measures in Eastbourne's parks and open spaces and the roll out of 'green roofs' on Council owned buildings.
- Reaffirms its support for the Regulated Asset Base model, in line with the national policy of both the Liberal Democrat and Conservative Partys.
- Using its communication channels to promote Eastbourne's MP's campaign to roll out free slow drain water butts for residents, funded by Southern Water.
- Using all available planning powers to ensure new developments in the town offer fully sustainable drainage.
- Writes to Southern Water to outline our desire to work with them on any future pathfinder/nature-based solution pilots."

The motion and amendment were debated in full.

The amendment from Councillor di Cara was then put to a vote and lost by 8 votes for, 19 against.

The original motion as proposed by Councillor was put to a vote and carried

by 19 for votes to 8 against.

RESOLVED (By 19 votes to 8):

“Southern Water was responsible for 16,888 sewage spills in 2022, “In Eastbourne during last year alone, sewage was discharged into the sea by Southern Water for a staggering 434 hours. It is time that we hold those responsible to task for this tsunami of human waste polluting our sea water. This volume of waste and the frequency of discharges show that the discharges have become routine, rather than an emergency response to exceptional conditions.

The Government has stated that ‘Climate change has led to increased rainfall and water infrastructure has not kept pace with development growth’.

In addition to having a negative impact on local wildlife in our rivers and beaches, it is also having a devastating effect on our tourism and the health and wellbeing of our residents who use sea swimming to support their health. We must work together to hold those responsible for these travesties to account, stop allowing them to profit at our expense and ensure that they improve the infrastructure to stop this happening in the future.

The Council:

1. Calls on the Government and Southern Water to accelerate the capital programme to stop the risks of untreated sewage discharges into our rivers and seas and to stop this assault on nature, our economy and our basic human rights.
2. Calls on the Government and Southern Water to enable the widespread deployment of nature-based solutions for flood mitigation and improved water quality.
3. Calls on the Government:
 1. To ensure a better resourced Environment Agency in its role as regulator, in order that enforcement and monitoring is improved.
 2. To stop enforcing unrealistic housing numbers on local councils and force Southern Water to meet the costs of the required disposal of water from new homes once it is at street level, to improve the existing sewers to make them fit for purpose.
 3. To reform the Regulated Asset Base model, and significantly reduce the weighted, adjusted cost of Capital, to stop rate Paying households underpinning company debts.
 4. To make CEO's of water companies personally responsible for excessive sewage discharges.
 5. To appoint a dedicated Minister for Coastal Communities.
4. Asks that the Chief Executive and Leader write to relevant Government Ministers and Southern Water to call for these changes.”

(At the end of this agenda item, the Council adjourned for a 10 minute comfort break at 8.20 pm).

38d Motion - Local Plan

Councillor Shuttleworth moved and seconded by Councillor Williams the motion as set out in the agenda.

Councillor Smart moved and Councillor Small seconded an alternative motion as follows:

“This Council recognised that it has been without a Local Plan for almost 6 years since 2018. That has left it vulnerable to developers experiencing the lack of a 5 year land supply to the Planning Inspectorate.

This Council welcomes the recent Bill which abolishes mandatory housing targets and contains other progressive measures; and

This Council welcomes the Government’s introduction of ‘Commencements Notices’ that will set out the timescales for build-out and allowing planning permissions to be revoked in instances of non-compliance; and

The Council will exercise the new discretionary power to charge 100% increased Council Tax on homes that have been empty for 1 year, holiday lets and AirBnB’s.

This Council will move expeditiously to prepare a Local Plan with an increased focus on employment growth and the related profession of infrastructure, amenities and housing to meet current and future residents’ needs.

With respect to housing, the Council should declare publicly how many homes should be built.

In the specific case of the much-delayed Bedfordwell Road site, if a business case cannot be developed to justify grant funding then the Council should seek to dispose of its interest to a developer capable of delivering the affordable homes Eastbourne requires on this site.”

Councillor Shuttleworth advised that he could not support acceptance of the alternative motion without proper assessment, but that it raised a number of questions that needed to be answered. He proposed amending his motion to add an additional recommendation ‘That when bringing a report back to Cabinet on the local plan, officers consider and address the issues raised in the alternative motion’. Councillor Williams agreed to accept the amendment as seconder.

The motion (as amended) and the alternative motion were debated by the Council.

The alternative motion proposed by Councillor Smart was put to a vote and lost by 8 votes for, 19 against.

The motion as amended by Councillor Shuttleworth was put to vote and carried by 26 votes to 0, with 1 abstention.

RESOLVED (By 26 votes to 0 with 1 abstention)

'This Council recognises the work that our officers have taken in identifying all possible sites for residential development in accordance with the Government directive to meet the housing targets that they set for Eastbourne.

The Council notes that since this work was completed Michael Gove, Secretary of State for Levelling Up, Housing and Communities, has stated that it is for Local Authorities to decide on whether or not sites are included in their Local Plan.

As the current position with preparations for the Eastbourne Local Plan have reached a stage where detailed assessment of the sites identified is conducted to inform a decision on whether they should be included or excluded from the plan as it progresses:

The Council resolves to commence that work immediately, starting with the two sites closest to the Pevensey levels, giving due consideration of the impact on the drainage infrastructure and the risk of flooding with the proximity to the Pevensey Levels, site of Special Scientific Interest.

Whilst the Council recognises the need for additional housing within the Borough, in order to achieve this, the Council calls upon Government to:

- Take action to progress the development on the many sites that already have planning approval; and
- To provide the necessary grant funding to enable the development of the Bedfordwell Road site to commence."

That when bringing a report back to Cabinet on the local plan, officers consider and address the issues raised in the alternative motion proposed by Councillor Smart and as set out above'.

38e Motion - Housing and Homelessness Challenge

Councillor Diplock moved and Councillor Holt seconded the motion as set out in the agenda, in relation to the housing and homeless challenge, following on from a homelessness summit recently hosted by the Council.

Councillor Small moved and Councillor Ansell seconded an amendment to the motion, which sought to add additional actions for the Government and Council:

To amend the third sentence to state: "The net cost to the Borough has increased from £1.5m in 2021/22 and £2.2m in 2022/23, to a projected figure of well over £3m this year."

To add the following to the end of the existing motion:

"This Council urgently requests that the Government:

- Allows Councils the option to charge an additional levy on top of Council tax if local authorities are otherwise unable to meet the costs of providing temporary and emergency accommodation.

- Or alternatively, takes sufficient measures within the welfare and health systems to reduce the demand for Council homelessness prevention services.”

And the Council commits to:

- Increasing focus on employment within the draft local plan and growth strategy.
- Taking measures to bring forward the currently stalled developments at Bedfordwell Road and The Old Dairy as a matter of urgency and regrets that stronger action wasn't taken to deliver housing upon Site 7A.
- The Council notes that the wider solution to the challenge of homelessness can only come through increasing employment levels and incomes relative to housing costs. It is regretful that Eastbourne saw no increase in employment between 2010 and 2019, despite this being a time of record employment growth nationally and has averaged a net increase of 162 homes a year between 16/17 and 21/22 with less than 5% of these being affordable, despite this being a time of record house building nationally.
- The Council also notes with regret, that despite core spending power being at an 8-year high and having benefited from 1.6m and 4.9m in government grants since March 2022 to help tackle homelessness for Eastbourne Borough Council and East Sussex County Council respectively, the Council's borrowing level has risen to £181m with subsequent debt servicing costs rising several million and inviting speculation as to Councils ongoing ability to provide its services.”

The motion and amendment were debated together and in full.

The amendment proposed by Councillor Small was put to a vote and lost by 8 votes for, to 19 against.

The original motion proposed by Councillor Diplock was put to a vote and carried unanimously.

RESOLVED (unanimously) –

This Council notes:

- Local Authorities spent £1.7bn on temporary accommodation in the last financial year.
- Homeless presentations to the Borough have more than doubled over the last 3 years.
- The net cost to the Borough has increased from £1.4m in 2021/22, to a projected figure of well over £3m this year.

- Private sector rents are at their highest on record, with available housing supply at its lowest.
- Lack of secure housing has a wider socio-economic impact on health, productivity and communities.
- The recent cross-party summit hosted by this Authority alongside the District Councils' Network and attended by 158 local authorities (half of all local authorities in England) to tackle the national crisis relating to homelessness and temporary accommodation.
- Ordinary working families are caught up in a housing crisis that is no fault of theirs.

This Council urgently requests that the Government:

- Raises Local Housing Allowance rates to a level that will cover at least 30% of local market rent and commit to annual uprating.
- Provides urgent additional funding to local authorities for Discretionary Housing Payments of £100m in 2023-24 and £200m in 2024-25.
- Provides a £150m top-up to the Homelessness Prevention Grant for 2024-25.
- Reviews the cap for housing benefit subsidy rate for local authority homelessness placements.
- Develops new policy to stimulate retention and supply in the privately rented sector.
- Gives councils the long-term funding, flexibility and certainty needed to increase the supply of social housing."

39 Discussion on minutes of council bodies.

The minutes of the following Council bodies were submitted to the meeting for information:

Planning Committee – 21 August 2023
Scrutiny Committee – 18 September 2023
Cabinet – 20 September 2023 and 1 November 2023
Audit and Governance Committee – 5 October 2023

No items were called for discussion.

Councillor Holt moved and Councillor Bannister seconded acceptance of the minutes.

RESOLVED (unanimously) – That the minutes be accepted.

40 Date of Next Meeting

It was noted that the next ordinary meeting of the Full Council was scheduled for 21 February 2024 at 6 pm. In addition, the Mayor advised that a special alderman meeting would be held on 24 January 2024 at 6pm.

The meeting ended at 9.55 pm

Councillor Candy Vaughan (Mayor)

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Full Council

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 24 January 2024 at 6.00 pm.

Present:

Councillor Candy Vaughan (Mayor).

Councillors Amanda Morris (Deputy Mayor), Nick Ansell, Kathy Ballard, Colin Belsey, Daniel Butcher, Ali Dehdashty, Peter Diplock, Nigel Goodyear, Stephen Holt, Jane Lamb, Robin Maxted, Anita Mayes, Jim Murray, Hugh Parker, Pat Rodohan, Teri Sayers-Cooper, Alan Shuttleworth, David Small, Robert Smart, Colin Swansborough and Jenny Williams.

Officers in attendance:

Robert Cottrill (Chief Executive), Simon Russell (Head of Democratic Services and Monitoring Officer) and Sarah Lawrence (Committee Team Manager).

41 Notification of apologies for absence.

Apologies for absence were received from Councillors Bannister, di Cara, Collins, Ewbank and Shore.

42 Public Right of Address

There were no public speakers.

43 Honorary Alderman - Barry Taylor

The following motion was proposed by Councillor Smart and seconded by Councillor Lamb:

“That the Council exercises its powers under Section 249(1) of the Local Government Act, 1972 and confer the title of Honorary Alderman upon the late **Barry Taylor**, who in the opinion of the Council rendered eminent service as a member of the Eastbourne Borough Council from 12 August 1993 to 9 May 2023.”

Councillors paid tribute to the work that Barry Taylor had done throughout his 30 years of service as a Councillor, to his character and to his work in Meads and in the wider community.

RESOLVED: (Unanimously) That the motion be approved.

Following approval of the motion, Mrs Christine Taylor was presented with the certificate and badge on behalf of her late husband, Barry Taylor.

44 Honorary Alderman - Md. Harun Miah

The following motion was proposed by Councillor Shuttleworth and seconded by Councillor Vaughan:

“That the Council exercises its powers under Section 249(1) of the Local Government Act, 1972 and confer the title of Honorary Alderman upon **Md. Harun Miah**, who in the opinion of the Council rendered eminent service as a member of the Eastbourne Borough Council from 3 May 2007 to 9 May 2023.”

Councillors paid tribute to the work that Md. Harun Miah had done throughout his 16 years of service as a Councillor, to his character and to his work in Langney and in the wider community.

RESOLVED: (Unanimously) That the motion be approved.

Following approval of the motion, Md Harun Miah was presented with a certificate and badge.

45 Date of Next Meeting

It was noted that the next scheduled meeting of Full Council was 21 February 2024 at 6 pm.

The meeting ended at 6.47 pm

Councillor Candy Vaughan (Mayor)

Agenda Item 4

Eastbourne Borough Council



Mayor
Councillor **CANDY VAUGHAN**

Deputy Mayor
Councillor **AMANDA MORRIS**

MAYOR'S ANNOUNCEMENTS

Mayor's ENGAGEMENTS November 2023 – February 2024

Date	Attendee	Event
16.11.23	Mayor & Consort	Eastbourne Youth Radio Hospitality Event East Sussex College
17.11.23	Mayor & Consort	Mayor's Charity Wave Night Sovereign Centre
18.11.23	Mayor & Consort	Mayor's Charity Entertainment Evening All Saints Chapel
18.11.23	Deputy Mayor & Consort	Compass Arts Exhibition Opening The Beacon Centre
20.11.23	Mayor & Consort	Transgender Day of Remembrance Town Hall
22.11.23	Mayor & Consort	Winter Wellbeing Event Restart Eastbourne Office
22.11.23	Mayor & Consort	Friends of Eastbourne Hospital AGM Victoria Baptist Church
23.11.23	Mayor & Consort	Visit to Langney Primary School Council Langney Primary School
23.11.23	Mayor & Consort	Eastbourne Blind Society 100 th Anniversary Celebration Sovereign Harbour Yacht Club
25.11.23	Deputy Mayor & Consort	Eastbourne Choral Society Concert All Saints Church
29.11.23	Mayor & Consort	Interview on Seahaven FM Sutton Lane, Seaford
01.12.23	Mayor & Consort	One Thousand Challenge – Eastbourne Wheels Eastbourne Sports Park
01.12.23	Mayor & Consort	EEBP Pantomime Technology Challenge Town Hall
01.12.23	Mayor & Consort	Mayor's Charity Christmas Dinner Willingdon Golf Club

Date	Attendee	Event
02.12.23	Mayor & Consort	Hampden Park Community Association Christmas Fayre Hampden Park Community Centre
02.12.23	Mayor	Inspiring Angels Civic Carol Service St Saviours Church
02.12.23	Mayor	Mayor's Civic Christmas Reception Mayor's Parlour
03.12.23	Deputy Mayor & Consort	Salvation Army Town Carol Concert Royal Hippodrome Theatre
03.12.23	Mayor & Consort	Pontifical Sung Vespers Arundel Cathedral
05.12.23	Mayor	Turner Prize Award Ceremony Winter Garden
07.12.23	Mayor & Consort	A Band of Brothers Homecoming Ceremony Friends Meeting House
08.12.23	Mayor & Consort	Palm Court Christmas Party Palm Court Nursing Home
09.12.23	Mayor & Consort	Opening of Lightning Fibre Ice Rink Enterprise Centre
09.12.23	Mayor & Consort	Hampden Park Christmas Angel Fair St Mary's Church, Hampden Park
09.12.23	Mayor & Consort	Make a Wish This Christmas Hart Pub
10.12.23	Mayor & Consort	Santa Bus Launch St Wilfrid's Hospice
10.12.23	Deputy Mayor & Consort	Most People Dressed as an Angel World Record Attempt The Beacon Centre
10.12.23	Mayor & Consort	Tree of Light Service Outside Congress Theatre
10.12.23	Mayor & Consort	Willingdon School of Dancing – Joyeux Noel Winter Garden
11.12.23	Mayor & Consort	Mayor's Charity Committee Meeting Mayor's Parlour
12.12.23	Mayor & Consort	One Voice Festival of Singing Glyndebourne
13.12.23	Mayor & Consort	Mayor of Seaford's Carol Concert St Leonards Church, Seaford
14.12.23	Mayor & Consort	Christmas Memorial Service Eastbourne Crematorium
14.12.23	Mayor & Consort	Pantomime Civic Night Devonshire Park Theatre
15.12.23	Deputy Mayor & Consort	The Rick Bonner Christmas Show – Aid for Ukraine The Cavendish Hotel
16.12.23	Mayor & Consort	Concentus Sings Christmas St Saviours Church
18.12.23	Mayor & Consort	ESCC Chairman's Christmas Reception Vinehall School, Robertsbridge

Date	Attendee	Event
22.12.23	Mayor & Consort	Christmas Visit to the Emergency Services
23.12.23	Mayor & Consort	Love Local Shopping Draw The Beacon Centre
23.12.23	Mayor & Consort	Mayor's Peace Vigil Town Hall
24.12.23	Mayor & Consort	Mayor's Charity Christmas Eve Event The Beacon Centre
25.12.23	Mayor	Alone at Christmas Event Our lady of Ransom Church Hall
08.01.24	Mayor & Consort	Mayor's Charity Committee Meeting Mayor's Parlour
11.01.24	Mayor & Consort	Plastic Free Eastbourne AGM Town Hall
12.01.24	Mayor & Consort	Hall and Woodhouse Community Chest Awards The World's End, Patching
15.01.24	Mayor	Town Hall Tour – Eastbourne WI Town Hall
17.01.24	Mayor	Funeral of Honorary Alderman Olive Woodall St Joachim Church, Eastbourne Crematorium and Town Hall
24.01.24	Mayor	Special Full Council Meeting and Reception Town Hall
25.01.24	Mayor & Consort	Robinson Crusoe and the Pirates Polegate Community Centre
26.01.24	Mayor & Consort	Mayor's Charity Quiz Night Town Hall
27.01.24	Mayor & Consort	Holocaust Memorial Day Service Welcome Building
02.02.24	Mayor	Citizenship Ceremony Town Hall
03.02.24	Mayor & Consort	Phoenix Choir Concert All Saints Church
05.02.24	Mayor	Town Hall Tour – Langney Primary School Council
05.02.24	Mayor & Consort	Mayor's Charity Committee Meeting Mayor's Parlour
08.02.24	Mayor & Consort	JTL Training Centre Opening Highfield Industrial Estate
11.02.24	Mayor & Consort	Chinese New Year Celebration Hampden Park Community Centre
12.02.24	Mayor	Mayor's Charity Ball Meeting Grand Hotel
18.02.24	Mayor & Consort	Eastbourne Symphony Orchestra Young Soloist Competition Final The Birley Centre

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Petition - EBC must give Defiant Sports compensation, an alternative site and hold a public meeting re Fort Fun

To: Councillor Stephen Holt

Sign to demand Eastbourne council provide compensation and alternative accommodation for Defiant Sports and that they hold a public meeting so that we the people of Eastbourne can ask the relevant councillors and officers why they have acted in such a manner and provide transparency over their future intentions for the site.

Why is this important?

Defiant Sports are a Community Interest Company that provides fully inclusive access to a variety of sports regardless of ability or disability. They are a much loved and invaluable local service provider for many disabled and disadvantaged individuals, families and communities. This vital service is now under threat due to council actions. Those responsible need to be held to account and the people of Eastbourne need transparency over what is happening with the Fort Fun site and why the whole matter has been handled so appallingly via a public meeting.

Just before Christmas 2023 Defiant Sports were told by Eastbourne Council that they would have to vacate the Fort Fun Site (a previously derelict amusement park located on Eastbourne Seafront). Yet just 12 months earlier the council had highly praised their plans for the site (which had the potential to make Eastbourne an attractive equal opportunities resort for disabled people) when they announced they were to be awarded a joint 5 year lease, along with Wingrove House.

The group achieved this after a long and arduous bidding process where various local charities, not for profits and small enterprises had been encouraged to apply for the opportunity to develop the site and to submit plans of intent. The bidding process and criteria were unclear, the process was dragged out with deadlines moved and decisions continually delayed, some bidders only finding via Facebook that their bid would be rejected as they had asked for a long term lease and then discovered that the council only intended to award a short term 5 year lease.

During the bidding process there was much disquiet on social media as to why the council was not looking for a major funder and questions were asked as to why only a short term lease was being offered. Councillor Robert Smart made it clear to some seafront groups this was because there was a chance that in the future the Eden Project might be interested in the site. This has been reinforced by his statement to the press this last week and in discussion with two constituents in a Meads conservative councillor surgery.

When Council leader, David Tutt made the announcement that Defiant Sports would have the site, shortly before the local elections, he spoke glowingly about the plans they had put forward.

Loretta and her team immediately started ploughing a load of resources and manpower into realising their vision for the site. The council failed to fulfil its duty to provide access to water or electricity or any planning permissions necessary for them to make any real headway despite frequent requests and the fact that these

were based on the submission which had led to the council awarding them the lease in the first place. Without these permissions Defiant Sports could not apply for the grants which they had made clear to the council were necessary to realise their ambitions. Their hands were tied. Despite this they made a huge visible impact on the site, clearing much of the external structures, dismantling equipment and having much of the site waste, in the area allocated to them, removed. Amidst this process the council suddenly decided to change the area Defiant Sports had been allocated but in the ensuing months failed to define how they were going to do this - again leaving Defiant Sports unable to move forward. However much of the site had been visibly cleared by them. This was in stark contrast to Wingrove House, with whom they shared the site.

Wingrove House had been awarded part of the site 6 months earlier than Defiant Sports with the, now retired, Councillors Burton and Tutt promising that their part of the site would be open by September 2022. Yet 18 months on and Wingrove House have not opened any part of their section of the site. However, despite all of this, the council have inexplicably announced that they are now awarding sole use of the site to Wingrove House and Defiant Sports are being forced to vacate it.

Having focussed so much time and energy on this project - which it now appears the council had absolutely no intention of letting them realise - the group find themselves in financial difficulties and having to drastically reduce the services it offers.

This abysmal near destruction of a small worthy community group that provides such a unique and necessary service to many local families, individuals and communities is reprehensible. The council need to be held to account for the total mismanagement of this process, reparation needs to be made to Defiant Sports and an alternative venue urgently found for them. Explanations also have to be given as to why Wingrove House now has sole use of the site and why does the site seem to be being reserved just in case the Eden Project want it in the vague future with no open, national tendering process.

Please sign and demand the council:

- compensate Defiant Sports for all the work they have done on the site over the last 12 months (estimated at £75k)
- find them suitable alternative accommodation as a matter of urgency so they can restore some of their programme and support the disabled and disadvantaged in our community.
- Request the council hold a public meeting with all the relevant councillors and officers there so we, the people of Eastbourne, can get some transparency over what the council's rationale was, what their intentions are, what it is that the Eden Project might have in mind, and open details over the results of the Eden Project feasibility study on which the council have spent £150k.

Signed by 1,938 people

Agenda Item 9a

Meeting:	FULL COUNCIL
Date:	Wednesday 28 February 2024
Subject:	COUNCIL BUDGET AND SETTING OF THE COUNCIL TAX FOR 2024/25
Report of:	Councillor Robin Maxted, Cabinet Member for Finance & Resources

The Council is asked to consider the reports to Cabinet and also the Cabinet minutes and resolutions from the meeting held on 7 February 2024.

The budget book 2024/25 will be circulated to all Members of the Council, once the budget has been formally adopted. A copy will be provided on the Council's website.

The reports may also be viewed on the [Council's website](#).

Please contact Democratic Services (see below for contact details) in the first instance if you require a printed copy of any of the reports.

In order to comply with Section 25 of the Local Government Act 2003; the Authority's Chief Finance Officer is required to report on the robustness of the estimates made for the purposes of the budget calculations and the adequacy of the proposed reserves. A statement covering this requirement is attached at Appendix 1.

The resolutions in this report, which must include the requirements of all precepting authorities, are based on the recommendations being made to those Authorities and the budget approved by East Sussex County Council, East Sussex Fire Authority and the Sussex Police and Crime Commissioner.

A summary of the demand on the Collection Fund is as follows:

Authority	Precept/Demand		2024/25 Band D	Change over 2023/24	
	£	%	£	£	%
Eastbourne Borough Council:	9,911,763	11.49%	277.74	8.06	2.99%
East Sussex County Council	63,462,905	73.59%	1,778.31	84.51	4.99%
The Police and Crime Commissioner for Sussex	9,025,650	10.47%	252.91	13.00	5.42%
East Sussex Fire Authority	3,836,017	4.45%	107.49	3.12	2.99%
Total	86,236,335	100.00%	2,416.45	108.69	4.71%

After consideration of the foregoing, the Council is asked to approve the following:
Recommendations:

1. The recommendations as detailed in the reports from the Chief Finance Officer to Cabinet on 7 February 2024
 - I. Continue to lobby the UK Government for additional funding in recognition of the exceptional financial pressures placed on Local Councils in tackling the cost of homelessness, which in Eastbourne is projected to be £4.9m for 23/24 to pay for temporary accommodation.
 - a. In this circumstance, EBC Council Tax would increase for a Band D property to 2.99% and deliver £3.8m of savings over two years as per previous MTFS and reporting. This is Eastbourne Borough Councils preferred option.
 - b. Our preference is that the Government recognise the extreme pressures placed on Councils of all political persuasions, and agrees, as they have done with social care, to provide exceptional, emergency support to Councils to cover the costs of EA/TA in the Budget.
 - c. However, in appreciation that this may be unlikely, the Council have put forward three other alternatives as we continue dialogue with DLHUC to provide support for this authority.
 - II. To approve the following options in respect to the General Fund Budget 2024/25 dependent on the outcome of the Councils application to the Department of Levelling Up Housing & Communities for Exceptional Financial Support, noting that option C has now been withdrawn.
 - a. Option A is based on Department of Levelling Up Housing & Communities recognising and directly funding the increased number of homelessness and temporary accommodation placements activity from 2023/24 onwards (Appendices 1A, 2A, 3A & 4A to the Cabinet report).
 - b. Option B which assumes the acceptance of Exceptional Financial Support by Department of Levelling Up Housing & Communities but does not include additional Council Tax setting powers over and above the existing pre-referendum limit of 2.99% (Appendices 1B, 2B, 3B & 4B to the Cabinet report).
 - d. Option D which assumes the refusal of Exceptional Financial Support by Department of Levelling Up Housing & Communities (Appendices 1D, 2D, 3D & 4D to the Cabinet report).
 - III. To give delegated authority to the Section 151 Officer and Chief Executive in consultation with the Leader of the Council and the Cabinet Member for Finance to set the 2024/25 budget.
 - IV. Further to recommendation III above, if the outcome of DLUHC's decision results in the Council having to adopt option D officers will immediately implement plans already in place to develop an Emergency Budget with the

purpose of finding additional savings of £3m in 2024/25 which will be presented to the next Full Council meeting in May.

- V. To approve an increase in the Council Tax for Eastbourne Borough Council of 2.99% resulting in a gross Band D charge of £277.74 for 2024/25 an increase of £8.06 per annum.
- VI. To approve the flexible use of Capital Receipts to fund improvement and transformation costs in line with the Statutory Guidance updated in August 2022.
- VII. The revised General Fund & Housing Revenue Account Capital Programme 2024/25 as set out at Appendix 5 to the Cabinet report.
- VIII. The rates of Fees and Charges proposed within Appendix 5 to apply from 1 April 2024 and to implement changes to statutory fees and charges for services shown within Appendix 5 of the Cabinet report as and when notified by Government.
- IX. To note the Section 151 Officer's sign off as outlined in the report.
- X. To approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25.
- XI. To approve the Minimum Revenue Provision Policy Statement 2024/25.
- XII. To approve the Prudential and Treasury Indicators 2024/25 to 2026/27.
- XIII. To approve the Capital Strategy 2024/25.
- XIV. To approve the Housing Revenue Account (HRA) income and expenditure proposals, including revised HRA budget for 2022/23 and the budget for 2023/24, rents and service charges and the HRA Capital Programme, including:
 - a. That social and affordable rents (including Shared Ownership) are increased by 7.7% with effect from 1st April 2024 in line with government policy.
 - b. That, with effect from 1 April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.
 - c. That the revised service charges as set out in paragraphs 2.3 to 2.6 of the report are implemented with effect from 1 April 2024.
 - d. That Garage Rents are increased by 6.7%.
 - e. To grant delegated authority to the Chief Executive, in consultation with the Cabinet Portfolio holder for Finance and Resources and the Chief Finance Officer to finalise Eastbourne Homes' Management Fees and Delivery Plans for both 2023/24 and 2024/25.

XV. To approve the Council Tax Discount and Premiums from 1 April 2024 and 1 April 2025.

2. That delegated authority is given to the Chief Finance Officer to amend the budget for any presentational changes ensuring the Council Tax Requirement at 6 below remains unchanged.
3. That it be noted, that since the Cabinet meeting on 7 February the Business Rates return to the Government (NNDR1) has been finalised with no changes to the previous net budget assumptions.
4. That consequent upon a General Fund budget of £9,911,763 and other matters, the basic amount (Band D) of Council Tax for the Borough Council's functions will be £277.74 (representing an increase of 2.99%) calculated.

However, as a result of the uncertainty of DLUHC decision regarding recommendation II above, the following tables reflect the likely outcome of the application as follows:

I. Option A – DLUCH directly fund the increased number of homelessness and temporary accommodation.

	£'000	£'000
Gross Expenditure:		
General Fund		98,645
HRA		21,582
Business Rates Tariff payable and deficit		12,427
		<u>132,874</u>
Less Income:		
Service Income	-79,030	
HRA	-21,582	
Other Government Grants	-6,040	
Business Rates income	-14,122	
Additional EA/TA Funding	-2,181	
Collection Fund Surplus (Council Tax)	-7	
		<u>-122,962</u>
COUNCIL TAX REQUIREMENT		<u><u>9,912</u></u>
Band 'D' Council Tax		<u><u>£277.74</u></u>

II. Option B - Acceptance of Exceptional Financial Support by DLUHC

	£'000	£'000
Gross Expenditure:		
General Fund		99,684
HRA		21,582
Business Rates Tariff payable and deficit		12,427
		<u>133,693</u>
Less Income:		
Service Income	-79,030	
HRA	-21,582	
Other Government Grants	-6,040	
Business Rates income	-14,122	
Capitalisation Direction	-3,000	
Collection Fund Surplus (Council Tax)	-7	
		<u>-123,781</u>
COUNCIL TAX REQUIREMENT		<u><u>9,912</u></u>
Band 'D' Council Tax		<u><u>£277.74</u></u>

III. Option D Refusal of Exceptional Financial Support by DLUHC.

	£'000	£'000
Gross Expenditure:		
General Fund		98,645
HRA		21,582
Business Rates Tariff payable and deficit		12,427
		<u>132,874</u>
Less Income:		
Service Income	-79,030	
HRA	-21,582	
Other Government Grants	-6,040	
Business Rates income	-14,122	
Contributions From Reserves	-2,181	
Collection Fund Surplus (Council Tax)	-7	
		<u>-122,962</u>
COUNCIL TAX REQUIREMENT		<u><u>9,912</u></u>
Band 'D' Council Tax		<u><u>£277.74</u></u>

The statutory resolutions relating to this matter are given at paragraphs 5 and 6 below.

- That it be noted that at its meeting on 14 December 2022 the Cabinet agreed the Council Tax Base of 35,687.2 for Band 'D' equivalent properties for the year 2024/25 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended).

6. Calculate that the Council Tax requirement for the Council's own purposes for 2024/25 as £9,911,763.
7. That the following amounts be now calculated by the Council for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:
 - I. **Option A – DLUCH directly fund the increased number of homelessness and temporary accommodation.**
 - (a) £132,874,157 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
 - (b) £122,962,394 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - II. **Option B - Acceptance of Exceptional Financial Support by DLUHC**
 - (a) £133,693,157 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
 - (b) £123,781,394 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - III. **Option D - Refusal of Exceptional Financial Support by DLUHC**
 - (a) £132,874,157 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
 - (b) £122,962,394 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

For both options described in I & II above the following amounts remain the same.

- (c) £9,911,763 being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £277.74 being the amount at 6(c) above (Item R), all divided by Item T (5 above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including local precepts).

8. To note that East Sussex County Council, the Sussex Police and Crime Commissioner and the East Sussex Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each category of dwellings in the Council's area as indicated in the table below.
9. That the Council, in accordance with Sections 30 to 36 of the Local Government Finance Act 1992, as amended, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2024/25 for each of the categories of dwellings.

COUNCIL TAX 2024/25 - BY AREA AND VALUATION BAND								
MAJOR PRECEPTOR	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
East Sussex Fire Authority (ESFA)	71.66	83.60	95.55	107.49	131.38	155.26	179.15	214.98
Sussex Police & Crime Commissioner (SPCC)	168.61	196.71	224.81	252.91	309.11	365.31	421.52	505.82
East Sussex County Council (ESCC)	1,185.54	1,383.13	1,580.72	1,778.31	2,173.49	2,568.67	2,963.85	3,556.62
Eastbourne Borough Council	185.16	216.02	246.88	277.74	339.46	401.18	462.90	555.48
Total Council Tax Requirement	1,610.97	1,879.46	2,147.96	2,416.45	2,953.44	3,490.42	4,027.42	4,832.90

10. Determine that the Council's basic amount of Council Tax for 2024/25 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.
11. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2024/25 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

For a copy of the report please contact Democratic Services, Town Hall, Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415023.
E-mail: committees@lewes-eastbourne.gov.uk

For further information please contact Homira Javadi, Chief Finance Officer, Tel. (01323) 415149

Appendices:

- Appendix 1 Section 25 Statement of the Section 151 Officer (EBC) 2024-25
- Appendix 2 General Fund Revenue Budget 2024-25 and Capital Programme
- Appendix 3 Treasury Management and Prudential Indicators 2024-25 Capital Strategy and Investment Strategy
- Appendix 4 Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024-25
- Appendix 5 Council Tax Discounts and Premiums 2024-25

APPENDIX 1

Section 25 – Statement of the Section 151 Officer

1. Introduction

1.1. The Council's members have a legal duty to have regard to the comments made by the Council's Chief Financial Officer (Section 151) in this section (report) when setting the budget.

2. Summary Opinion

2.1. The budget proposals have been drafted during unprecedented and exceptionally challenging times driven by the cost of living and inflationary pressures. The Council is facing increase in demand for many of its key services and exceptionally high demands for temporary and emergency accommodation.

2.2. The Council's response to these financial pressures coupled with the uncertainties around the state of the economy and local government future funding arrangements has been to further develop and extend its saving plans through its Stability and Growth (S&G) programme and deliver over £3.7m of efficiencies over the 2-3 years.

2.3. Having faced the alarming and rapid increase in demand for temporary and emergency accommodation the council has been in discussions with the Department of Levelling Up, Housing & Communities (DLUHC). The initial discussions have been around securing appropriate level of funding to support the costs incurred by the authority for delivering its statutory duties regarding emergency housing provision.

2.4. In managing the uncertainties around the additional costs of temporary accommodation, the council's MTFS and financial plans are developed based on four scenarios:

A. Receiving full funding for the additional cost of temporary accommodation- this option is the council's preferred option and had it been approved, would have result in the council delivering its Stability and Growth savings and achieve a strong and sustainable budget and resilient financial position. (this option is not supported by DLUHC)

B. Requesting Exceptional Financial Support including ability to use council tax flexibilities. Whilst using capital resources to fund revenue expenditure is unlikely to provide a long-term solution to the increasing need pressures, the ability to increase council tax by a further 5% would have helped to provide an ongoing financial sustainability. (this option has been limited to authorities with a significant financial deficit only)

- C. Requesting Exceptional Financial Support without the ability to use council tax flexibilities- using capital resources to fund revenue expenditure to provide some headroom for the council to develop and implement a longer-term housing need strategy. (awaiting Ministerial decision)
- D. No Exceptional Financial Support- this option will rely on significant use of council's reserves to offset the cost of temporary accommodation reducing its balances to below minimum level for a short time and will require urgent and immediate actions to deliver further annual savings of £3m (in addition to S&G targets) to replenish the used reserves to sustainable levels. (awaiting Ministerial decision)

2.5. Following the discussions with the colleagues from DLUHC and based on their advice, this report will be focussing on option C and option D only.

2.6. As the discussions with DLUHC developed, the council was advised to formally apply for Exceptional Financial Support (EFS) which was requested in early January 2024. The EFS request is for £6m to support the additional costs of TA/ EA, £3m in 2023/24 and £3m in 2024/25.

2.7. Councils receiving EFS are required to use their capital resources to fund exceptional revenue pressures. Capital resources are either from capital receipts (income from asset disposals) or through undertaking borrowing. Ordinarily, these resources can only be used for capital investment purposes and or reducing borrowing requirements.

2.8. It should also be noted that the financing cost of EFS is 1% higher than the Public Works Loan Board (PWLB) rates over 20 years.

2.9. Responding to the increased cost of borrowing, the council's Medium Term Financial Strategy (MTFS) and S&G programme includes assumptions of asset disposal to reduce the temporary borrowing levels and reduce the cost of capital financing. In contrast, the EFS will require the council to undertake further borrowing at a higher cost of interest. The council will need to revise its MTFS and S&G assumptions urgently and find alternative and additional savings to offset against reduced savings and increased costs.

2.10. The Council's overall savings strategy is reliant on the outcome from the following:

- Capitalisation direction (EFS) approved by the Secretary of State (DLUHC).
- Delivery of the anticipated saving targets from the S&G or new additional new extended S&G saving targets.
- Economic recovery and reduction in homelessness presentations.

- Geopolitical stability.
- Greater control of the revenue and capital expenditure and financing costs.

2.11. At the time of preparing this report, the council was awaiting the Ministerial response to its request for EFS and as such, I have taken an unusual step of preparing my Section 25 report based on two scenarios included in options C&D.

2.12. In an event that the council is having to plan for option D, it will have to activate its emergency plans which include:

- i) Approving the use of its earmarked and non-earmarked reserves to balance the 2023/24 budget.
- ii) Put in place urgent plans to stop all non-essential expenditure.
- iii) To bring to council an alternative budget at the earliest opportunity.
- iv) To further develop and extend its S&G programme to include additional savings of £3m per annum ahead of the £1.9m already identified in 2024/25 (c.£5m).
- v) To develop a robust communication strategy to advise its key stakeholders, partners, etc appropriately.
- vi) To develop a robust governance structure to oversee the development of the new extended S&G Programme.
- vii) Chief Finance Officer working closely with the leadership team to form a command & control structure to oversee the delivery of the new extended S&G programme.
- viii) To rebuild general reserve and other key earmarked reserves to the minimum required level by 2025/26.

2.13. In relation to option C the MTFs has already incorporated the required savings and use of reserves needed to support the budget until longer term solutions are in place.

3. Introduction

3.1. Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer (S151) to have responsibility for those arrangements. This section of the budget report is made by the S151 officer and is non-political.

3.2. It aims to provide members with an understanding of the S151 view of the Council's financial position and fulfils statutory reporting requirements.

3.3. The factors the S151 has considered are:

- a. Legal Context and Duties of S151 (Director of Finance & Performance)
- b. Financial Management Arrangements
- c. Financial Outlook and Risks
- d. Level of Reserves and Overall Financial Standing
- e. Conclusion

4. Legal Context and Duties of the Chief Financial Officer

- 4.1. It has been established by legal case law that the S151 is not simply an officer of the authority but holds a fiduciary responsibility to the local taxpayers. This duty has been expanded overtime by legalisation discussed below. The Local Government Act 2003 Section 25 includes a specific personal duty on the Chief Financial Officer (CFO) to make a report to the authority when it is considering its budget and Council Tax for the forthcoming year. The report must deal with the robustness of the estimates and the adequacy of the reserves included within the budget. (For the purpose of the Act, 'reserves' include 'general balances.')
- 4.2. The Act requires the Council to have regard to the report in making its decisions. Sections 32 and 43 of the Local Government Finance Act 1992 also require authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the net budget requirement.
- 4.3. There are also a range of safeguards in place intended to prevent local authorities from overcommitting themselves financially. These include:
 - The CFO's S114 powers, which require a report to the Cabinet and to all members of the local authority if there is or is likely to be unlawful expenditure or an unbalanced budget.
 - The Prudential Code, which has applied to capital financing since 2004/05.
 - Section 26 of the Act gives the Secretary of State power to set a minimum level of reserves for which an authority must provide in setting its budget.
- 4.4. The Secretary of State stated that 'the provisions are a fall back against the circumstances in which an authority does not act prudently, disregards the advice of its Chief Financial Officer and is heading for serious financial difficulty.' These safeguards should be further reinforced through detailed scrutiny by the Council's external auditors.

4.5. There is a requirement on the auditor to form a conclusion on the arrangements that the Council has in place to secure economy, efficiency, and effectiveness in its use of resources. In addition, the external auditors review the underlying assumptions used to support material estimates within the Council's financial statements, such as valuations of property assets and pension liabilities.

4.6. Clearly, the nationwide failure of audit firms to carry out timely audits of local authority accounts makes this control ineffective. CIPFA, who, working with Government, provide best practice on financial management to local authorities, have made a statement on how the role of the Chief Financial Officer in a public sector organisation should be.

4.7. The CFO in a public service organisation:

- i) is a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest,
- ii) must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities, and risks are fully considered, and in alignment with the organisation's financial strategy,
- iii) must lead the promotion and delivery by the whole organisation of good financial management so that public money is always safeguarded and used appropriately, economically, efficiently, and effectively.

4.8. To deliver these responsibilities the CFO:

- i) must lead and direct a finance function that is resourced to be fit for purpose,
- ii) must be professionally qualified and suitably experienced.

5. Financial Management Arrangements

5.1. When understanding the budget and financial position, Members of the Council need to be aware of the financial control and management arrangements. These arrangements must not only help manage, but also identify new risks.

5.2. In-year expenditure and income monitoring against the budget: the Council has established and continually updates its system of budget monitoring and financial control, with reporting to the Audit & Governance Committee (year-end review) and Cabinet.

- 5.3. Monitoring reports are produced for Management team and Cabinet members four times a year for revenue, capital, and Housing Revenue Account. These reports identify variances against the budget, risks to the forecast, and, where possible, actions to alleviate adverse variances.
- 5.4. Additionally, income and expenditure are reported monthly to budget managers. The Council has due regard to both statutory and non-statutory guidance including the Prudential Code for Capital Finance in Local Authorities and related Department of Levelling Up, Housing and Communities (DLUHC) Investment Guidance. Furthermore, the Council has a long-established Treasury Management and Investment reporting arrangements. These arrangements ensure cash, capital investment and borrowing decisions are made with appropriate information and monitoring taking place.
- 5.5. Budget Planning: the budget has been prepared within the terms of the Medium-Term Financial Strategy and in consideration of the key financial risks identified.
- 5.6. The process of setting the budget for 2024/25 has been the subject of the following report:
- Budget Framework – Interim Medium Term Financial Strategy
 - Mid-Year Budget Review and Revised Financial Forecast
- 5.7. Independent Review of Financial Management is undertaken by: External Audit - under National Audit Office (NAO) Code of Practice regulations, external auditors are also required to make a Value for Money assessment to consider that local authorities have put in place proper arrangements to secure economy, efficiency, and effectiveness in its use of resources. The assessment must be published three months post audit completion. The Council's auditors (Deloitte) have not completed their audit of the accounts for 2021/22 nor 2022/23. The delays at Eastbourne are part of a national problem. The lack of Value for Money Assessment is therefore a weakness in the Council's financial arrangements, which the auditors are committed to address. However, they have not raised any concerns about value for money based on the work they have completed to date.
- 5.8. The lateness of external audit reports means the budget is being set without external validation of the reserve balances. The Section 151 officer does sign off the accounts with confidence that financial reporting (including reserves) is materially correct, but it is of great importance that timely external scrutiny of the accounts takes place.
- 5.9. The scrutiny of financial and performance management is also undertaken by Scrutiny and the Audit & Governance Committees.

5.10. Due to the extraordinary financial pressures faced by the Council, there have been other additional monitoring and governance arrangements in place to facilitate early intervention and mitigate against the growing number of placements and cost of Temporary and Emergency accommodation and to monitor the delivery of the Stability and Growth saving targets. With the exceptional financial pressures currently being faced, I intend to introduce the following additional monitoring steps to the exiting processes.

- Continuation of the budget discussions regarding the emerging issues (temporary accommodation and cost of living pressures) across the Council, by service managers, finance, Directors, and Cabinet members
- Strengthening the monitoring process for revenue and capital aim to increase the use of the following measures to deal with adverse income and expenditure projections by:
 - priority based approach to decision making;
 - slowing down or stopping spending if that is an appropriate mechanism,
 - increasing income elsewhere (identifying projections of overall resources) ;
 - early awareness of key variations to budget assumptions; and/or
 - moving funds around between services (virements).
- Statement by the S151 officer on the robustness of Financial Management arrangements:

5.11. I consider the Council's financial management arrangements and planned changes to be sufficiently robust to maintain adequate and effective control of the budget for 2024/25.

6. Financial Outlook and Risks

6.1. The financial forecasts and strategy are reported in the Medium-Term Financial Strategy (MTFS) to Cabinet and Council. This budget report updates the financial forecast for the next four years. It is not a comprehensive reworking but is sufficient to enable members to assess the ongoing sustainability of budget decisions. The forecast should be considered in conjunction with the comments included in this section from the S151 officer.

6.2. Looking ahead, the key financial pressures, risks and how they are being managed are discussed below:

- i) Housing – Temporary and Housing Need costs: there has been an exceptional and disproportionate increase in demand for temporary housing services. Amongst many factors, the shortage of affordable housing locally and nationally would imply this will continue to be a long-term problem. The extent of demand and resultant cost increase

is difficult to predict and can only be based on current trends and the professional views of the Council's housing officers. The additional cost of temporary accommodation and its impact on the Council's budget and available resources is as such that the Council in discussions with DLUHC was advised to request for Exceptional Financial Support. This would allow the Council to fund c.£3m of its related costs from capital resources i.e. capital receipts or additional borrowing. Whilst this is not an ideal solution, it is nevertheless the only option available. This option would provide time to seek actions to balance and ensure the extent of the additional Homelessness costs is the appropriate approach. The Homelessness estimates are as robust as possible considering there are a number of variables outside the Council's control, and the approach to manage the risks within the budget, using reserves or capitalisation (depending on the outcome of the EFS request) to offset additional cost whilst further work is undertaken to continue with action plans during 2024 to lower the costs of homelessness.

- ii) Capital financing: The Council has significantly reduced its planned capital investment. The programme has been profiled to reduce the council's exposure to higher costs of financing due to high inflationary pressures and the high interest rates. There are, however, existing commitments, urgent and health & safety related expenditure which will require additional borrowing.
- iii) As part of the Emergency Budget Planning the capital programme will be further reviewed to identify further reductions.

6.3. This generates several risks:

- The budget for the revenue cost of capital financing assumes a fall in long term interest rates.
- Capital schemes already approved in the capital programme are exposed to the risk that inflation will drive up the costs of the scheme before or during construction, which in turn will increase the revenue costs of financing.

6.4. To reduce the risk of cost overruns, the following actions are being taken:

- To ensure robust feasibility work has been undertaken before budget approval.
- No capital receipts of any material size have been included in financial planning. In the case of option C, it is likely that any material receipts received in 2024/25 will be put towards offsetting the cost of capitalisation (EFS) as a matter of priority. In the case of option D, any receipts from asset disposals will be put towards reducing the levels of temporary borrowing and the related cost of financing.

- Every £10m of proceeds from disposal will generate revenue benefit of about between £700k-£1m per annum if it was used to pay down debt. Disposal proceeds or income streams from the development are unlikely to be in 2024/25.
- Pay: with a 4% growth in planned staffing costs, there remains a significant risk that pay costs could be higher. This risk is due to the need to attract/retain staff, but also the ongoing policy of Government to significantly increasing National Living wage rates by more than local government public sector earnings increases. Since the inflation rate is now falling, it could mean, over the medium term, pay pressures should also ease.
- Energy: costs in 2023/24 are lower than originally budgeted by some £0.472m. The Council's energy is now being bought as part of a three-year rolling purchase contract, which should bring greater stability and less risk of increases, however, inevitably, should prices fall, the Council contract prices will lag those reductions.
- Business Rate Retention Income. The Council receives 40% of any growth above the base line, (this varies significantly year on year), but past income is not that useful in predicting future levels as the scheme is hard to predict with certainty. The Council has previously assumed c.£3m a year of this income to support ongoing revenue spend. Any potential surplus is set aside in an equalisation reserve and used to manage the risks arising from fluctuations in Business Rate Retention amounts and in supporting ongoing service expenditure. There is a real but unquantifiable risk that Government will reduce this source of funding in later years, and this could be as early as 2025/26 as Retention income is outside Core Spending Power calculations.
- Other risks. There are of course other risks, such as reduced car parking income, planning income declining due to economic conditions, and geo-political events. These and the many others will be managed via maintaining unearmarked reserves as near as possible to the £2.5m target and this is discussed below in the reserves' commentary.

6.5. Based on the factors above, I consider that these budget proposals take due regard to the exceptional risk, including the availability of EFS or not, financial and economic environment, and that the assumptions within the budget are reasonable and the estimates used for 2024/25 are as robust as possible.

6.6. Looking beyond 2024/25, if the financial pressures continue based on current trends and plans identified by services, and after substantial use of our reserve balances the size of the forecast budget gap for 2025/26 identified is still equivalent to over 6.3% of the general balance. However, the estimated budget gap for 2025/26 is not as robust due to uncertainty, as:

- At this time, it is impossible to say how Government funding will change post general election.

- Homelessness could taper off if demand and cost pressures ease, but there are many factors which could increase demand. The Council has limited control over these but is of course reviewing service provision to lessen costs.
- Inflation could be volatile due to world events.
- The forecast does not include any material measures undertaken to close the budget gap after 2024/25, such as savings, efficiencies or fees and charges reviews. After over a decade of annually identifying efficiency savings, it must be presumed the scope of achieving efficiencies is more limited and so there is a greater risk of reductions to key services especially the discretionary services. I have consulted with the Chief Executive and Leader and have been advised the Council will Implement its Stabilisation and Growth / New Extended Stability & Growth financial programme to move the Council's finances on to a more sustainable footing.

7. Level of Reserves and Overall Financial Standing

- 7.1. Last year, it was reported that nationally there was an increasing number of Councils issuing Section 114 notices. A S114 notice stops all non-essential spending and provides for a 21-day period for the Council to consider the report and what action it may take as a result. A significant number of Councils during the Autumn of 2023 stated publicly that their financial position was approaching the point where the S114 notices were becoming quite possible.
- 7.2. Demand and inflationary pressures were becoming unmanageable. The Council's own financial position remains very challenging, considering the two scenarios, whilst option C will require some use of reserves, option D will result in a significant reduction in balances lowering them to below the council's approved minimum levels. This is caused by the excepted planned use of reserves in 2023/24 and 2024/25 and further budget shortfalls forecast for 2025/26 and beyond. It is crucial for the council to ensure the New Extended S&G programme is put in place urgently to replenish its reserves to sustainable levels. The S151 officer of the Council declares if a Section 114 notice is necessary. At the time of preparing this report and based on an the assumption that either an Exceptional Financial Support agreement would be achieved, or an emergency budget will be activated to manage the projected shortfalls and expected use of reserves, the Council does not have an immediate need for a Section 114 notice.
- 7.3. The S151 officer's view of 2024/25 reserve use is:
- Longer term projections of the level of reserves show that whilst there may be a short-term demand on use of reserves, through delivery of its S&G or New Extended S&G programme (options C&D), they will be maintained within the set target.

- The cost increases facing the Council are significant and their impact should be spread over several years by using EFS and or reserves. This will enable the most effective longer-term resolution to be found.
- Government policy is that local authorities should be using reserves to manage the financial challenges in 2024/25. This is a matter that should be determined locally by members after careful consideration.
- The Council will, during 2024/25, implement its S&G or New Extended S&G savings programme to reduce reliance on reserves to fund ongoing services. This programme spreads over 3-5 years.

5.2. Determining the appropriate levels of reserves is a professional judgement based on local circumstances, including the overall budget size, risks, robustness of budget preparation, corporate plans, budget assumptions, earmarked reserves and provisions, and the Council's track record in budget management.

5.3. The reserves policy, approved by Cabinet in September 2021, contained a recommendation to increase the minimum target level of general reserve to £2.5m. This was in response to the pandemic. It is not possible, given the current budget forecast and lack of certainty over government decision or funding, to increase the general reserve. The reserves level should be determined by reference to the medium and long term need for reserves and, with the known risks. In the longer term to further lower the levels of reserves is not advisable.

5.4. Reserves can be allowed to fall below the target for temporary periods if risks materialise. The MTFS shows a decline in the level of general reserves. However, as stated, the longer-term forecast revenue position is not a robust estimate and will require further review and updates once the outcome of councils request for EFS is confirmed. Based on the above factors, I consider the level of reserves presented in the budget estimates to be adequate to support the immediate and short-term financial sustainability of the Council. I will be monitoring the progress made on the delivery of the S&G or New Extended S&G programme (option D) very closely to inform my view about the longer-term financial sustainability again upon receiving confirmation on the EFS position and will report to the council if needed.

6. Conclusions

6.1. The budget shortfalls shown in the financial forecasts are significant financial challenges and will be more difficult to manage than previous deficits because:

- Efficiency and savings require some radical actions and given that the Council has been successfully finding ways to meet shortfalls

for over 10 years harder to achieve without having significant impact on services and standards.

- Reliance on income generation to balance the budget brings over the longer term increased risks, such as the potential for customer resistance to increases in charges or as seen currently, void periods in the Council's property portfolio.
- The economic and geo-political climate makes it difficult to predict demand and the cost of the provision of Council services.
- Use of reserves, asset disposal or borrowing to finance statutory revenue expenditure will not provide a long term and sustainable solution. Further engagement at national level to develop longer term solutions, policies and strategies should continue.
- Government funding is highly uncertain beyond 2024/25.

6.2. These issues are faced by all lower tier English local authorities. The development of a robust medium-term financial plan to balance the budget is an essential action for 2024/25. Taking all of the above into account, as the Council's Chief Financial Officer, I am satisfied that overall, the budget proposals set out in this report are robust and provide a high degree of sustainability and that the level of reserves is adequate to address the emerging financial risk facing the Council whilst longer terms saving plans are being put in place.

Homira Javadi (CPFA, FCCA, ACCA)

Director of Finance & Performance

S151 Officer/Chief Financial Officer

Working in partnership with **Eastbourne Homes**

Meeting: Council

Date: 28 February 2024

Subject: General fund budget 2024/25 and capital programme

Report of: Councillor Robin Maxted on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on 7 February 2024 as set out below.

Recommendations for Full Council have been set out and incorporated into the covering report.

Minute extract
Cabinet – 7 February 2024.

The Cabinet considered the report of the Director of Finance and Performance, seeking its agreement and recommendation to Full Council of the General Fund Budget 2023/24 and updated Medium Term Financial Strategy (MTFS), together with the updated Capital Programme and Treasury Management position.

Thanks were expressed to officers for their work in producing the report and for their ongoing discussions with the Department of Levelling Up Housing & Communities (DLUHC).

Since publication of the report, the Cabinet reported that DLUHC had rejected its application for additional Council Tax setting powers above 2.99%, detailed as Option C in the report. This would therefore be withdrawn as an option to be recommended to Full Council. The Council were still to be notified of its request for Exceptional Financial Support.

A minor correction to the proposed fees and charges, set out at Appendix 6 was reported in relation to annual green waste fees. The corrected figure would be uploaded following the meeting, ahead of Full Council consideration.

Officers had also been informed of a late change to the forecast used to establish the potential business rate deficit, as part of the government return called NNDR1. Due to several last-minute appeal applications by business rate payers, the level of provision for appeals may increase.

The Scrutiny Committee at its meeting on 5 February 2024, considered the report and made the following comment for Cabinet's consideration:

-
- **That the Scrutiny Committee endorse the Cabinet's work in continuing to lobby the Government to support local councils through exceptional financial challenges and exploring all funding options.**

Cabinet acknowledged and expressed its thanks to the Scrutiny Committee for the comment.

Recommended to Full Council (Budget and policy framework):

(1) Continue to lobby the UK Government for additional funding in recognition of the exceptional financial pressures placed on Local Councils in tackling the cost of homelessness, which in Eastbourne is projected to be £4.9m for 23/24 to pay for temporary accommodation.

- a) In this circumstance, EBC Council Tax would increase for a Band D property to 2.99% and deliver £3.8m of savings over two years as per previous MTFS and reporting. This is Eastbourne Borough Councils preferred option.
- b) Our preference is that the Government recognise the extreme pressures placed on Councils of all political persuasions, and agrees, as they have done with social care, to provide exceptional, emergency support to Councils to cover the costs of EA/TA in the Budget.
- c) However, in appreciation that this may be unlikely, the Council have put forward other alternatives as we continue dialogue with DLHUC to provide support for this authority.

(2) To give delegated authority to the Section 151 Officer and Chief Executive in consultation with the Leader of the Council and the Cabinet Member for Finance to approve one of the following options in respect to the General Fund Budget 2024/25 dependent on the outcome of the Councils application to the Department of Levelling Up Housing & Communities for Exceptional Financial Support.

- a) Option A is based on Department of Levelling Up Housing & Communities recognising and directly funding the increased number of homelessness and temporary accommodation placements activity from 2023/24 onwards (Appendices 1A, 2A, 3A & 4A).
- b) Option B which assumes the acceptance of Exceptional Financial Support by Department of Levelling Up Housing & Communities but does not include additional Council Tax setting powers over and above the existing pre-referendum limit of 2.99% (Appendices 1B, 2B, 3B & 4B).
- d) Option D which assumes the refusal of Exceptional Financial Support by Department of Levelling Up Housing & Communities (Appendices 1D, 2D, 3D & 4D).

(3) To give delegated authority to the Section 151 Officer and Chief executive in consultation with the Leader of the Council and the Cabinet Member for Finance to approve an increase in the Council Tax for Eastbourne Borough Council dependent on the options described above.

a) Option A, B & D- An increase of 2.99% resulting in a gross Band D charge of £277.74 for 2024/25 an increase of £8.06 per annum.

(4) The revised General Fund & Housing Revenue Account Capital Programme 2024/25 as set out at Appendix 5 to the report.

(5) The rates of Fees and Charges proposed within Appendix 5 to apply from 1 April 2024 and to implement changes to statutory fees and charges for services shown within Appendix 5 as and when notified by Government.

(6) To note the Section 151 Officer's sign off as outlined in the report.

Reason for decisions:

The Cabinet has to recommend to Full Council the setting of a revenue budget and associated Council Tax for the forthcoming financial year by law.

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the [Council's website](#).

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Working in partnership with **Eastbourne Homes**

Meeting: Council

Date: 28 February 2024

Subject: Treasury Management Strategy, Investment Strategy, Capital Strategy and Prudential Indicators 2024/25

Report of: Councillor Robin Maxted on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on 7 February 2024 as set out below.

The Council is recommended to approve the following:-

- (1) Approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25 as set out at Appendix A to the Cabinet report;
 - (2) Approve the Minimum Revenue Provision Policy Statement 2024/25 (Appendix A to the Cabinet report);
 - (3) Approve the Prudential and Treasury Indicators 2024/25 to 2026/27 (Appendix A to the Cabinet report);
 - (4) Approve the Capital Strategy 2024/25 (Appendix B to the Cabinet report).
-

**Minute extract
Cabinet – 7 February 2024.**

The Cabinet considered the report of the Director of Finance and Performance, asking it to approve and recommend to Full Council, the Council's Annual Treasury Management Strategy, Capital Strategy and Investment Strategy, together with the Treasury and Prudential Indicators.

Recommended to Full Council (Budget and policy framework):

- (1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25 as set out at Appendix A to the Cabinet report;
- (2) To approve the Minimum Revenue Provision Policy Statement 2024/25 (Appendix A to the Cabinet report);
- (3) To approve the Prudential and Treasury Indicators 2024/25 to 2026/27 (Appendix A to the Cabinet report);

(4) To approve the Capital Strategy 2024/25 (Appendix B to the Cabinet report).

Reason for decisions:

It is a requirement within the budget setting process for the Council to review and approve the Prudential and Treasury indicators, Treasury Strategy, Investment Strategy and Capital Strategy.

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the [Council's website](#).

Working in partnership with **Eastbourne Homes**

Meeting: Council

Date: 28 February 2024

Subject: Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024/25 and HRA Capital Programme 2023-28

Report of: Councillor Robin Maxted on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on 7 February 2024 as set out below.

The Council is recommended to approve the following:-

- (1) The HRA budget for 2024/25 and revised 2023/24 budget as set out at Appendix 1 to the Cabinet report.
 - (2) That social and affordable rents (including Shared Ownership) are increased by 7.7% with effect from 1st April 2024 in line with government policy.
 - (3) That, with effect from 1 April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.
 - (4) That the revised service charges as set out in paragraphs 2.3 to 2.6 of the Cabinet report are implemented with effect from 1st April 2024.
 - (5) That Garage rents are increased by 6.7%.
 - (6) To grant delegated authority to the Chief Executive, in consultation with the Cabinet Portfolio holder for Finance and Resources and the Chief Finance Officer to finalise Eastbourne Homes' Management Fees and Delivery Plans for both 2023/24 and 2024/25.
 - (7) The HRA Capital Programme as set out at Appendix 2 to the Cabinet report.
 - (8) To note that £871.5k of Major Works expenditure is shown in the Capital Programme in 2024/25 and 2025/26 to improve EPC ratings in HRA properties, this expenditure being the subject of a Government grant bid to secure 50% match-funding.
-

Minute extract
Cabinet – 7 February 2024.

The Cabinet considered the report of the Director of Finance and Performance, asking it to agree and recommend to Full Council, the detailed Housing Revenue Account (HRA) budget proposals, rent levels, service charges and heating costs for 2024/25, and the HRA Capital Programme 2023-28.

In response to a question, officers advised that they would update Cabinet with regards to any impact on proposals as a result of the Government's announcement on Local Housing Allowance rates.

Recommended to Full Council (Budget and policy framework):

- (1) The HRA budget for 2024/25 and revised 2023/24 budget as set out at Appendix 1 to the report.
- (2) That social and affordable rents (including Shared Ownership) are increased by 7.7% with effect from 1st April 2024 in line with government policy.
- (3) That, with effect from 1 April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.
- (4) That the revised service charges as set out in paragraphs 2.3 to 2.6 of the report are implemented with effect from 1st April 2024.
- (5) That Garage rents are increased by 6.7%.
- (6) To grant delegated authority to the Chief Executive, in consultation with the Cabinet Portfolio holder for Finance and Resources and the Chief Finance Officer to finalise Eastbourne Homes' Management Fees and Delivery Plans for both 2023/24 and 2024/25.
- (7) The HRA Capital Programme as set out at Appendix 2 to the report.
- (8) To note that £871.5k of Major Works expenditure is shown in the Capital Programme in 2024/25 and 2025/26 to improve EPC ratings in HRA properties, this expenditure being the subject of a Government grant bid to secure 50% match-funding.

Reason for decisions:

The Cabinet must recommend to Full Council the setting of the HRA revenue and capital budget and the level of social and affordable housing rents for the forthcoming year.

For a copy of the report please contact Democratic Services:
Tel. (01323) 410000.
E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the [Council's website](#).



Working in partnership with **Eastbourne Homes**

Meeting: Council
Date: 28 February 2024
Subject: Council Tax Discounts and Premiums
Report of: Councillor Robin Maxted on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on 13 December 2023 as set out below.

The Council is recommended to approve the following:-

(1) From 1 April 2024

(a) The adoption of a standard 0% discount for all Class C and D chargeable dwellings; and

(b) Levying the maximum level of premium i.e.:

- Premium of 100% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) after 1 years up to 5 years of becoming empty;
- Premium of 200% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) between 5 years and up to 10 years; and
- Premium of 300% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) for 10 years or more.

(2) From 1 April 2025

(a) The continued application of 0% discount for Class C & D and Empty Homes premiums at 100% effective when dwellings have been unoccupied and substantially unfurnished for 1 year; and

(b) The application of a premium (Second Homes Premium) of 100% for all dwellings the are no one's sole or main residence and which is substantially furnished.

(3) Exception to premiums

Where premiums are to be applied, the Council is mindful of the current consultation by government which recommends exceptions in certain circumstances outlined

within the report. Subject to the outcome of that consultation, it is recommended that the Section 151 Officer is given delegated powers to implement the Council's policy on premiums in line with statute, the Council's requirements and any guidance given by the Secretary of State.

**Minute extract
Cabinet – 13 December 2023.**

The Cabinet considered the report of the Director of Service Delivery, asking them to determine the level of certain Council Tax discounts and Council Tax premiums with effect from 1 April 2024 and 1 April 2025 and recommend that decision to Full Council.

The proposed changes were in line with the majority of councils across the country and followed the introduction of new rules by government that allowed local authorities to set higher council tax premiums on empty and second homes.

The Cabinet advised that a report on the council tax reduction scheme would be considered at its next meeting in February 2024.

Recommended to Full Council (Budget and policy framework):

(1) From 1 April 2024

(a) The adoption of a standard 0% discount for all Class C and D chargeable dwellings; and

(b) Levying the maximum level of premium i.e.:

- Premium of 100% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) after 1 years up to 5 years of becoming empty;
- Premium of 200% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) between 5 years and up to 10 years; and
- Premium of 300% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) for 10 years or more.

(2) From 1 April 2025

(a) The continued application of 0% discount for Class C & D and Empty Homes premiums at 100% effective when dwellings have been unoccupied and substantially unfurnished for 1 year; and

(b) The application of a premium (Second Homes Premium) of 100% for all dwellings the are no one's sole or main residence and which is substantially furnished.

(3) Exception to premiums

Where premiums are to be applied, the Council is mindful of the current consultation by government which recommends exceptions in certain circumstances outlined within the report. Subject to the outcome of that consultation, it is recommended that the Section 151 Officer is given delegated powers to implement the Council's policy on premiums in line with statute, the Council's requirements and any guidance given by the Secretary of State.

Reason for decisions:

(a) To reduce the number of empty homes within the Borough in line with the Council's Empty Homes Strategy; and

(b) To encourage the use of premises as main residences by local residents rather than second homes.

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the [Council's website](#).

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Working in partnership with **Eastbourne Homes**

Meeting: Council

Date: 28 February 2024

Subject: Local Council Tax Reduction Scheme

Report of: Councillor Robin Maxted on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on 7 February 2024 as set out below.

The Council is recommended to approve the following:-

- (1) That the 2023/24 Local Council Tax Reduction Scheme is adopted as the 2024/25 scheme (**Appendix A**).
 - (2) To note that subject to Full Council approval, Cabinet grants the Chief Executive delegated authority:
 - (a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and
 - (b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Finance and Resources
 - (3) That the Exceptional Hardship Scheme continues in 2024/25 subject to funds being available.
 - (4) That an initial £25,000 be added to the Exceptional Hardship Scheme with this coming from the additional income raised from changes to Council Tax Discounts and Exemptions.
-

Minute extract
Cabinet – 7 February 2024.

The Cabinet considered the report of the Chief Executive, asking for its recommendation to Full Council that the 2023/24 Local Council Tax Reduction (LCTR) Scheme is adopted as the 2024/25 scheme and to seek Cabinet's approval to commence the statutory consultation process the Council needs to follow in order to make changes to the current LCTR scheme.

It was advised that discussions were ongoing with the local voluntary sector on how best to utilise the Exceptional Hardship Scheme and work would continue on exploring opportunities to supplement that fund further.

Recommended to Full Council (Budget and policy framework):

(1) Cabinet recommend to Full Council that the 2023/24 Local Council Tax Reduction Scheme is adopted as the 2024/25 scheme.

(2) Subject to Full Council approval Cabinet grants the Chief Executive delegated authority:

(a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and

(b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Finance and Resources

(3) That the Exceptional Hardship Scheme continues in 2024/25 subject to funds being available.

(4) That an initial £25,000 be added to the Exceptional Hardship Scheme with this coming from the additional income raised from changes to Council Tax Discounts and Exemptions.

Resolved (Key decision):

(5) That Cabinet with the objective of implementing a revised Local Council Tax Reduction Scheme in future years:

(a) authorise the Chief Finance Officer to enter into consultation with the major precepting authorities.

(b) authorise the Chief Executive to produce a draft scheme that calculates a Council Tax Reduction of 100% of a person's council tax liability, removes the Minimum-Income Floor for the self-employed and removes the £5.00 minimum award.

(c) on completion of the consultation and drafting authorised under (a) and (b) above, authorise the Chief Executive to consult with other interested parties.

Reason for decisions:

The Council must review the scheme each year and adopt a scheme for the coming year.

Appendix A – Local Council Tax Reduction Scheme 2024/25

For a copy of the report please contact Democratic Services:
Tel. (01323) 410000, E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the [Council's website](#) .

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 1st April 2024 until 31st March 2025.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2024 for a period of one financial year.

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

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024; 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 His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - d. a guaranteed income payment;
 - e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;
- a. has not attained the qualifying age for state pension credit; or
 - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or

¹ Section 5 of this scheme

- 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 Reduction² amount can be calculated;
- g. not have capital savings above £16,000³;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers' allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

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

Class E

To obtain reduction the individual (or partner) must:

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

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

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

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

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

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

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

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

Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme–

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

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

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

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

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

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

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

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

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

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

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

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

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

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

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March

2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

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

'child benefit' has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General) 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 an 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 an 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;

‘Uprating 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 amended¹³; and

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

2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.

2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.

2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day:

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

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

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

falls immediately before a day in respect of which an income- related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

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

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

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

4.0 Requirement to provide a National Insurance Number¹⁴

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

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

- 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,

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 Reduction 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) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
- (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (zd) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon immediately before 7th October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act
- (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
- (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 His 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 His 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
 “His 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

- d. accommodation other than residential accommodation;
- e. following, in the United Kingdom or elsewhere, a training course;
- f. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- g. 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;
- h. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- i. a student;
- j. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- k. 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 2002¹⁵ 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.

¹⁵ 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

- c. 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 2001.¹⁶

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 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

¹⁶ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

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

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

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

D

Where;

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was

dismissed from it, less any deduction under paragraph 51.5

- 30.10 In this section— ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of sections 43 to 45, ‘assessment period’ means—
- a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
 - b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
 - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.
- whichever of those 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 purposes¹⁷

¹⁷ 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, anybody 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, £15.10 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.90 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 £256.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £256.00, but less than £445.00, the deduction to be made under this section shall be £10.05 x 1/7
- (c) not less than £445.00, but less than £554.00, the deduction to be made under this section shall be £12.60 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 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**¹⁸

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

¹⁸ 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 application¹⁹

- 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.

¹⁹ 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 scheme²⁰

69.1. Paragraphs 69.2 to 69.7 apply to an application made under the authority's scheme.

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 101 – 106A of this scheme, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—

- (a) it was made on the form supplied for the purpose, but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69.8 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

Backdating of reductions

69.9 (1) Where an applicant;

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and

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

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

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

- (2) That date is the latest of;
- a. the first day from which the applicant had continuous good cause;
 - b. the day 6 months before the date the application was made;
 - c. the day 6 months before the date when the applicant requested that the application should include a past period.

69A.0 Date on which an application is made.

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where;

(i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and

(ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

(i) an applicant or his partner is a person in receipt of a guarantee credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

(i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and

(ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where;

(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

(i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and

(ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation, the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

- 69A.2 For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.
- 69A.3 Where there is a defect in an applications by telephone;
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- 69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- 69A.5 The conditions are that—
- (a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where an application is not on approved form or further information requested by authority applies;
- (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
- (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
- in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application, but the authority is of the opinion that unless there is a change of circumstances, he will be entitled to a reduction under its scheme for a period beginning not later than;
- (a) in the case of an application made by;

- (i) a pensioner, or
- (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

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

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

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

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim.

72.0 Information and evidence²¹

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.

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,

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

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 application²²

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.

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.

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

74.0 Duty to notify changes of circumstances²³

- 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 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;

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

- (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 authority²⁴

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 decision²⁵

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

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

²⁵ 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 reduction²⁶

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 paid²⁷

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

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

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

paid to that person.

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 authority²⁸

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 Act²⁹.

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

²⁹ 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 Act³⁰

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).

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

Section 101 – 106A³¹
Electronic Communication

³¹ 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), His 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 Amounts³²

³² ³² 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	£90.50
b) is aged not less than 25	£90.50
c) is aged not less than 18 but less than 25	£71.70
2. Lone Parent	£90.50
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£142.25
b) Where one member is aged not less than 18	£142.25
c) For each additional spouse who is a member of the same household as the claimant	£51.75

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;	£83.28
(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.	£83.28

(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, £18.53;

Premiums

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.

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

6 (1) The following premiums, namely–

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

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

7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for

- a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

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

Disability Premium

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

Additional Condition for the Disability Premiums

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

Severe Disability Premiums

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

Enhanced Disability Premium

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

Disabled Child Premium

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

Carer Premium

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

Persons in receipt of concessionary payments

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

Persons in receipt of benefit for another

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

Amounts of Premium

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

Premium	Amount
Disability Premium	£42.50
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	£60.60
Severe Disability Premium	£81.50
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	£81.50
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	£163.00
Disabled Child Premium	£80.01 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£45.60 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £32.20 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) £20.85 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) £29.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of

Premium	Amount
	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 £35.95. The amount of the support component is £47.70.

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 earnings³³

³³ 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 earnings³⁴

³⁴ 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 His 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. Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme 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.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

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 disregarded³⁵

³⁵ 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. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(c) an applicant's entitlement to a reduction under the scheme; or
(d) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.
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.

Meeting: Council

Date: 28 February 2024

Subject: Corporate Plan 2024 - 2028

Report of: Councillor Stephen Holt on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on 7 February 2024 as set out below.

The Council is recommended to approve the following:-

To adopt the Corporate Plan as its overarching corporate policy document for the next 4 years **(as attached at Appendix 1)**.

Minute extract
Cabinet – 7 February 2024.

The Cabinet considered the report of the Chief Executive, asking it to consider and recommend the draft Corporate Plan 2024-2028 to Full Council for adoption.

Thanks were expressed to those that engaged in the consultation process.

Resolved (Key decision):

(1) To consider the Corporate Plan.

(2) That any final minor amendments arising from the consultation responses be delegated for amendment to the Chief Executive, in consultation with the Leader, and

Recommended to Full Council (Budget and policy framework):

(3) That full council adopt the Plan as its overarching corporate policy document for the next 4 years.

Reason for decisions:

To enable the Council to set out its strategic vision, objectives and priority projects for the next four years and provide a firm basis for forward planning and performance management.

Attached: Appendix 1 – Corporate Plan 2024-2028

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the [Council's website](#) .

CORPORATE PLAN 2024-2028

Taking Eastbourne from Stability to Growth

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...this plan sets out how we will work with our partners and communities to ensure a robust and diverse future for the town.



Introduction

Welcome to our four year plan. This plan sets out our key areas of priority and focus in the coming years. Eastbourne has lived through challenging times in recent years. The covid pandemic, the cost of living crisis, national and international financial pressures and related issues have put real pressure on the borough in many ways. The next four years are our opportunity to respond to these challenges and help Eastbourne to strengthen, rebuild and grow.

This high level plan sets out our ambitions for the coming four years. It will form the basis for detailed work programmes for the

delivery of these goals. The work will initially focus on core stability, which will then give us a strong foundation on which to build future growth and prosperity.

The council has always taken a strong community leadership role in the town, and it will continue to do so over the coming years. We are proud of our borough. Despite the challenges of recent years, the town continues to be a notable tourist destination, with much to offer visitors from both at home and abroad. We will continue to enable and support this, understanding that it is in strong collaboration with our partners that we can best meet local and visitor needs.

However, we also recognise that tourism alone is not enough to enable our town to strengthen and flourish. Therefore, this plan sets out how we will work with our partners and communities to ensure a robust and diverse future for the town. We will continue to invest in the economic regeneration of our town, taking advantage of inward investment and partnership opportunities.

Sustainability has been a key driver over the past four years, and this will continue, with our commitment to achieving a carbon net zero town by 2030. However, we recognise that this can only be achieved by continuing to work closely with our partners, businesses



and local people. Our partnership work will continue, and we look forward to seeing this grow and develop over the next 4 years.

■ We are lucky to live in such a beautiful area. Our downland, as well as our parks and gardens, are unique to Eastbourne. We seek to ensure the town and its surrounds continue to be outstanding environments, to be enjoyed by our residents, visitors and by future generations.

■ The cost of living crisis has taken its toll on our communities. We are committed to continuing to play our part to support those most badly affected and ensure adequate support networks are in place. We also recognise that many people in the town are finding it hard to find suitable accommodation for their needs. We will continue to help support those who are at risk of homelessness or in housing need, along with looking to enable and develop new housing in the town.

■ The core of what the council does is to provide a range of essential services to our residents. Over the coming four years we will continue to ensure these services are of a consistently high standard. We will continue to make use of technology to increase efficiency, whilst maintaining the personal touch for those most in need of support.

■ Our focus for the next 4 years in partnership with you is:

- 1 High quality, responsive services**
- 2 Housing and the cost of living crisis**
- 3 Economic development and tourism**
- 4 Sustainability and environment**



1

High quality, responsive services

Putting our customers and local communities first

Providing excellent customer service and focusing on resolving questions and problems first time is central to how this council operates. We will continue to ensure that our services meet our residents' needs and strive to deliver consistently high quality and responsive services.

OUR KEY AREAS OF FOCUS WILL BE:

- Improve the quality of customer experience by offering a wider range of access routes to our services, including more on-line and self-service options to allow 24/7 access.
- Alongside this, ensuring more personalised support, including phone options, are always available for those that need additional assistance from us.
- Identify and address inequality in our communities in order to promote fairness, equitable services and a commitment to uphold these principles throughout our work.
- Get our communication and engagement right through regular information sharing and consultation.
- Continue to embed a culture of continuous improvement, where we constantly re-evaluate our quality of service, finding new and innovative ways to use new technology to make our services better for customers.



2

Housing and the cost of living crisis

Tackling challenging times

The council has an important role in supporting those in most need in society. Since the pandemic, and the economic challenges that followed it nationally, we have been working hard in particular to support people experiencing hardship due to the cost of living crisis. This work will continue, especially whilst the national economic situation continues to be difficult.

Eastbourne has experienced particular challenges in the provision of housing in recent years. The pandemic increased these pressures and the town continues to have significant difficulties in providing sufficient homes for those needing accommodation. The lack of new places to build properties, given the physical constraints of the borough, adds to these challenges. Given these issues, a new Local Plan to set out policies and proposals for new development is a priority.

OUR KEY AREAS OF FOCUS WILL BE:

- Support those on lowest incomes through housing benefit, council tax reductions and other assistance schemes.
- Provide information and advice to those needing extra financial support to let them know what is available and how it can be accessed.
- Using available data, and technology, to help identify those most at risk of falling into debt and who require welfare support, so that targeted offers of support can be provided.
- Reduce the reliance on temporary and emergency accommodation and improve prevention measures for those experiencing homelessness.
- Delivering a new Local Plan to support the provision of more social, affordable, sustainable, energy and resource efficient, climate resilient housing, delivering for our tenants and residents more effectively.
- Support independent living, including providing accessible housing for those with physical and additional support needs, and work with partners on integrated health, housing and care strategies to support this.
- Develop a pipeline of directly delivered homes by the council to support priority housing objectives.
- Prioritise regulatory and legislative compliance to ensure the council owned homes remain at a high standard.

3

Economic development and tourism

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A town which thrives

Eastbourne has traditionally been seen as a tourist destination and our aspiration is for this to continue to be the case. However, over the next 4 years we seek to support diversification of the economy, in particular seeking to bring more investment from IT, digital and creative sectors in the town. We will work with partners, using our strategic role, to attract inward investment and deliver real growth for the area. Our new Local Plan will enable us to address the provision and allocation of employment land. In relation to our own assets, we will re-imagine these in a way that better provides for the town's future and enables sustainability in the longer term.

OUR KEY AREAS OF FOCUS WILL BE:

- **Delivery of a new overarching strategy for tourism, income, and economic diversification.**
- **Delivery of projects through government 'Levelling up' funding, including a cultural and education centre at Black Robin Farm, improvements to Victoria Place and a significant public art engagement and learning project in conjunction with the Towner.**
- **Enabling, through a range of providers, high quality arts and events programmes to be delivered in the town, including world-class musical events, theatre productions and other performances, promoting sustainable travel options where possible.**
- **The establishment of a Local Authority Controlled Company (LACC) to enable the theatres at Devonshire Quarter to continue to develop and thrive. Alongside this, through effective partnership working, increase the conference and exhibition trade at that location.**
- **Work with our leisure partner Wave Active to deliver an Active Health strategy for our communities.**
- **Delivery of an integrated property strategy which provides a clear future approach to commercial activity, addresses the councils' future asset requirements and tackles the challenges of the town's heritage assets.**

3

Economic development and tourism cont'd

- **Partnership working in the town centre, and other key parts of the town, including through 'Your Eastbourne BID' business improvement partnership, and with Eastbourne Chamber of Commerce, Eastbourne Hospitality Association and Sussex Police, to promote events whilst reducing antisocial behaviour and vandalism, and tackling homelessness.**

- **Continue to improve the public realm in the town centre to provide a continuous pedestrian link between the railway station and the seafront.**

- **Support the drive for high speed rail services to the town, enabling a reduced journey time between Eastbourne and London, whilst also continuing to lobby government for improvements to the A27.**

- **Promote active travel in the town with further improved walking and cycling routes.**



4

Sustainability and environment

Tackling the climate emergency

Since declaring a climate emergency in 2019, we have been working to achieve carbon neutrality by 2030.

This continues to be a central pillar of the council's work and underpins our approach to all areas of our work. Our Local Plan, waste and recycling service, our parks and open spaces, our housing services, and our flood and coastal management all have a key role to play in tackling climate change.

Sustainability cannot be delivered without the work of a wide range of organisations, and the community. To this end we will continue to work with a range of local partners, including Environment Agency, Eastbourne Eco Action Network, Treebourne, Eastbourne Archaeology and Natural History Society, Changing Chalk, South Downs National Park Authority, Sussex Nature Partnership, Sussex Biodiversity Records Centre, Sussex Wildlife Trust, Natural England and Sussex-air.

OUR KEY AREAS OF FOCUS WILL BE:

- Promote waste reduction, and encourage people to recycle MORE, as part of a 'Reduce, Reuse, Recycle' approach.
- In line with our Biodiversity and Pesticide Strategies, we will enhance the biodiversity of our public and open spaces in the borough.
- We will reduce our use of herbicides, fertilisers and other chemicals at locations such as Devonshire Park and other council run sports facilities, replacing petrol gardening and maintenance tools with electric alternatives where possible.
- We will work to replace our waste and recycling vehicles with new versions with lower emissions, to reduce our contribution to greenhouse gases.
- Electric vehicle chargers will be introduced at our depots for use by council vehicles and we will also facilitate increased access to public electric vehicle charge points and car share schemes, as funding allows.
- Our waste and recycling service will respond positively to up and coming changes in waste legislation to ensure we provide a sustainable and sufficient service for our residents.
- The Pevensey and Eastbourne Coastal Management Scheme, where we are working in partnership with the Environment Agency, will have a key part to play in helping reduce the risk of coastal flooding.
- Work in partnership on opportunities arising from the Seaford to Eastbourne Nature Recovery Project, launched in summer 2023 by Defra and Natural England'

4

Sustainability and environment cont'd



- **We will both build, and encourage others to build, through our new Local Plan, housing which is affordable, energy efficient, climate resilient, adaptable and locally sourced – including the Modular Housing Framework to increase the use of modern methods of construction (MMC) in the delivery of new council homes.**
- **Our ‘Educate Remind Enforce’ campaign will be used to ensure robust and effective ways of dealing with litter and fly-tipping.**
- **Monitor, and work with partners to improve, air quality in the borough, focusing in particular on nitrogen dioxide and particulate levels.**
- **Continue to utilise the Clear Futures Joint Venture Partnership and Framework to support sustainable and transformational change.**



Report to:	Licensing Committee
Date:	5th December 2023
Title:	Approval of Licensing Fees 2024/25
Report of:	Director of Service Delivery
Ward(s):	All
Purpose of report:	To recommend the licensing fees proposed within the Appendix 1 to apply from 1 April 2024
Officer recommendation(s):	Members to consider and approve the Licensing fees to apply from 1 April 2024, proposed in Appendix 1, and recommend approved fees to Full Council
Reasons for recommendations:	To ensure that the licensing fees are approved by the Licensing Committee
Contact Officer(s):	Name: Joanna Dunk Post title: Regulatory Services Lead E-mail: jo.dunk@lewes-eastbourne.gov.uk Telephone number: 07920251841

1 Introduction

- 1.1 Licensing fees should be considered by the Licensing Committee and then be recommended to Full Council. The table at 2.5 summarises the predicted income for 2024/25 together with the estimated financial impact of the fees proposed to apply from 1 April 2024, as detailed in Appendix 1.
- 1.2 The Council as the Licensing Authority is responsible for administering a number of statutory and discretionary licensing regimes. Certain licensing fees and charges are prescribed by central Government, as highlighted in the table below. Changes to the level of fees and charges set by central Government are implemented as and when issued by the appropriate Department and communicated to service users through appropriate channels e.g. the Council's website. Central Government has not, to date, announced any change in these fees for 2024/25. Other fees, as highlighted in the table below are set locally by Members.
- 1.3 Some general principles apply to those fees set locally:
- they cannot be used to generate a profit, and any surplus should be identified and carried over to the following year;
 - it is acceptable to carry forward deficits from previous year;
 - income from licence fees may only be spent on the specific regime from which they were generated;
 - fees may not be discriminatory or to be used as an economic deterrent.

2 Financial Overview

2.1 2023-2024 has proved challenging for the Licensing Authority to meet the demand of delivering a broad service within Eastbourne Borough Council.

2.2 There has been a further increase in demands particularly arising from the updated Hackney and Private Hire Guidance and CCTV implementation as well as work to tackle challenges relating to the night time economy.

2.3 Members are asked to consider an increase in some fees to meet the increased costs of delivering service. The proposed schedule of fees and charges is set out in Appendix 1

2.4 The fees and charges were increased last year to meet inflations and the costs for the service. The Authority is carrying a deficit of at year end 2022/23 £79,064.

2.5 **Estimated financial impact of the fees proposed to apply from 1 April 2024 – 31 March 2025**

Eastbourne Borough Council Services	Budgeted income estimate for 2023/24 £	Additional income forecast 2024/25 £	2024/2025 indicative income forecast £
Discretionary charges (i.e. where fees are set by Eastbourne Borough Council)			
Taxi Licensing	240,150	34,754	274,904
Environmental Health (Includes Skin Piercing)	8,300	415	8,715
Gambling Act 2005	13,550	0	13,550
Animal Welfare	1,100	55	1,155
Miscellaneous Licences (Street Trading)	2,400	120	2,520
Total Discretionary Charges	265,500	35,344	300,844
Statutory charges (i.e. where fees are prescribed by Government)			
Licensing Act 2003	103,000	0	103,300
Miscellaneous Licences (Scrap Metal)	5,100	0	5,100
Total Statutory Charges	108,400	0	108,400
Total income estimates	£373,900	£35,344	£409,244

3 Financial Significant Changes Impact

- 3.1 Taking the continued increasing costs of the service a further increase in fees is proposed of 5% for most areas of Licensing to meet the costs of delivering this service area. This is also includes another resource to meet demands in administering taxi and private hire CCTV.

4 Financial appraisal

- 4.1 The council as the Licensing Authority is responsible for administering several statutory and discretionary licensing regimes. 2023-2024 has proved challenging for the Licensing Authority to meet the demand of delivering a broad service within Eastbourne Borough Council. Taking the continued increasing costs of the service a further increase in fees is proposed of 5% for most areas of Licensing to meet the costs of delivering this service area. The proposed increase will result in an estimated increase in income of £35,344.

5 Legal implications

- 5.1 Licensing fees must be charged in accordance with the requirements of the particular legislation and the relevant case law. Members are asked to note that some fees are set by central Government, and some are locally set – as indicated in this Report.
- 5.2 Members are asked to note that case law has established that if there is any surplus or deficit in the fees generated then that must be taken into account when setting the following year's fees.
- 5.3 The Legal Section considered this Report on xxx (IKEN 12469-EBC-MW).

6 Risk management implications

- 6.1 No relevance.

7 Equality analysis

- 7.1 No relevance.

8 Environmental sustainability implications

- 8.1 No relevance.

9 Appendices

- 9.1 Appendix 1 – Proposed Licensing Fees and Charges 2024-2025.

10 Background papers

- 10.1 None.

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Appendix 1 - Eastbourne Borough Council Fees and Charges Proposals 2024/25

By Service and Activity

ENVIRONMENTAL HEALTH LICENSING

Acupuncture, tattooing, ear piercing
and electrolysis (Personal)

90.00

94.50

e

4.50

5%

Acupuncture, tattooing, ear piercing
and electrolysis (Premises)

140.00

147.00

e

7.00

5%

Acupuncture, tattooing, ear piercing
and electrolysis (Premises +
Personal)

230.00

241.50

e

11.50

5%

Amendment to registered premises

-

-

e

0.00

0%

Replacement certificate

-

-

e

0.00

0%

Total Estimated Annual Income

8,300.00

8,715.00

MISC LICENSING

Street Trading

Application Fee

25.00

26.25

e

1.25

5%

Daily rate

30.00

31.50

e

1.50

5%

Weekly Rate

175.00

183.75

e

8.75

5%

Annual Rate

475.00

498.75

e

23.75

5%

Market Operators

475.00

498.75

e

23.75

5%

Pavement Licences

75.00

78.75

e

3.75

5%

Total Estimated Annual Income

2,400.00

2,520.00

Concessions	Event by a charity (inc street collections)	Free upon approval from Licensing Officer	Free upon approval from Licensing Officer	e	0.00	0%
Scrap Metal Dealers Act 2013	Site Licence - New	375.00	375.00	e	0.00	0%
	Site Licence - Renewal	375.00	375.00	e	0.00	0%
	Collector - New	255.00	255.00	e	0.00	0%
	Collector - Renewal	255.00	255.00	e	0.00	0%
	Licence Variation	75.00	75.00	e	0.00	0%
Stage Hypnotism	Not Listed	-	-	e	0.00	0%
Sex Establishments	Initial Grant of Licence	3,600.00	3,600.00	e	0.00	0%
	Annual Renewal	2,050.00	2,050.00	e	0.00	0%
	Variation	1,800.00	1,800.00	e	0.00	0%
Zoo Licensing Act 1981	Not Listed	-	-	e	0.00	0%
Guard Dogs Act 1975	Not Listed	-	-	e	0.00	0%
Dangerous Wild Animals Act 1976	Application + Vet fee	750.00	750.00	e	0.00	0%
	Renewal + Vet fee	250.00	250.00	e	0.00	0%
	Variation + Vet fee	200.00	200.00	e	0.00	0%
Total Estimated Annual Income		5,100.00	5,100.00			
<u>TAXI LICENSING</u>	Visit www.lewes-eastbourne.gov.uk for access to our guidance that outlines additional services provided by other organisations					

Drivers License Application Fee (including DBS check, Knowledge Test and English language Test)		237.50		11.00	
Knowledge Test Hackney & Private Hire - Retest		226.50	e	5%	
English Language Test - Retest		50.00	e	5%	2.50
Additional DBS fee for Drivers only Hackney Carriage and Private Hire Driver's Licence (Renewal)	2 per Annum 1 Year - Exceptional circumstances apply	72.00	e	5%	3.50
Hackney Carriage and Private Hire Driver's Licence (Renewal)	3 Years	144.00	e	5%	7.00
Hackney Carriage and / or Private Hire Vehicle Licence		116.50	e	5%	6.00
Private Hire Operator Licence 1 Year up to 5 Vehicles	Exceptional circumstances apply	350.00	e	5%	17.50
Private Hire Operator Licence 1 Year 6 - 10 Vehicles	Exceptional circumstances apply	185.00	e	5%	10.00
Private Hire Operator Licence 1 Year 11 - 20 Vehicles	Exceptional circumstances apply	70.00	e	0%	0.00
Private Hire Operator Licence 1 Year 21 - 40 Vehicles	Exceptional circumstances apply	110.00	e	0%	0.00
Private Hire Operator Licence 1 Year 41 - 80 Vehicles	Exceptional circumstances apply	160.00	e	0%	0.00
Private Hire Operator Licence 1 Year 81-100 Vehicles	Exceptional circumstances apply	160.00	e	0%	0.00
		260.00	e	0%	0.00
		260.00	e	0%	0.00
		456.00	e	0%	0.00
		456.00	e	0%	0.00
		560.00	e	0%	0.00
		560.00	e	0%	0.00

Private Hire Operator Licence 1 Year 101+ Vehicles	Exceptional circumstances apply		700.00		0.00	
		700.00		e	0.00	0%
Private Hire Operator Licence 5 Year up to 5 Vehicles		350.00	350.00	e	0.00	0%
Private Hire Operator Licence 5 Year 6 - 10 Vehicles		550.00	550.00	e	0.00	0%
Private Hire Operator Licence 5 Year 11 - 20 Vehicles		800.00	800.00	e	0.00	0%
Private Hire Operator Licence 5 Year 21 - 40 Vehicles		1,300.00	1,300.00	e	0.00	0%
Private Hire Operator Licence 5 Year 41 - 80 Vehicles		2,280.00	2,280.00	e	0.00	0%
Private Hire Operator Licence 5 Year 81-100 Vehicles		2,800.00	2,800.00	e	0.00	0%
Private Hire Operator Licence 5 Year 101+ Vehicles		3,500.00	3,500.00	e	0.00	0%
New / Replacement of Lost /Damaged Licence Plates (External)		44.50	46.50	e	2.00	4%
New / Replacement of Lost /Damaged Licence Plates (Internal)		11.00	11.55	e	0.55	5%
New / Replacement Doorsigns		27.50	28.50	e	1.00	4%
Replacement of Driver's Badge		11.00	11.55	e	0.55	5%
Transfer of Licence Plate to Different Vehicle (Hackney)		41.50	43.50	e	2.00	5%
Transfer of Licence Plate to Different Vehicle (Private Hire)		41.50	43.50	e	2.00	5%
Transfer of Ownership (Hackney)		41.50	43.50	e	2.00	5%
Transfer of Ownership (Private Hire)		41.50	43.50	e	2.00	5%
Vehicle Change of Use	From Private Hire to Hackney Carriage and vice versa		43.50		2.00	
		41.50		e		0%
Change of Address		11.00	11.55	e	0.55	0%

Missed Appointment	-	-	e	0.00	0%
Total Estimated Annual Income	240,150.00	274,904.00			

LICENSING ACT 2003

Premises Licence and Club Premises Certificates

Statutory fees apply as shown below

(Licence fees are linked to non-domestic rateable value of the premises)

Application Fee	Band A	100.00	100.00	e	0.00	0%
	Band B	190.00	190.00	e	0.00	0%
	Band C	315.00	315.00	e	0.00	0%
	Band D	450.00	450.00	e	0.00	0%
	Band E	635.00	635.00	e	0.00	0%
Annual Charge	Band A	70.00	70.00	e	0.00	0%
	Band B	180.00	180.00	e	0.00	0%
	Band C	295.00	295.00	e	0.00	0%
	Band D	320.00	320.00	e	0.00	0%
	Band E	350.00	350.00	e	0.00	0%
Minor variation application		89.00	89.00	e	0.00	0%
Dis Application DPS		23.00	23.00	e	0.00	0%
Personal Licence		37.00	37.00	e	0.00	0%
Tempory Event Notice		21.00	21.00	e	0.00	0%
Theft, loss etc of premises licence summary		10.50	10.50	e	0.00	0%
Application for a provisional statement where premises being built etc.		315.00	315.00	e	0.00	0%
Notice of change of name or address		10.50	10.50	e	0.00	0%

Application to vary a licence to specify individual as Designated Premises Supervisor	23.00	23.00	e	0.00	0%
Application for transfer of Premises Licence	23.00	23.00	e	0.00	0%
Interim authority notice following death etc. of licence holder	23.00	23.00	e	0.00	0%
Theft, loss etc. of certificate or summary	10.50	10.50	e	0.00	0%
Notification of change of name or alteration of rules of club	10.50	10.50	e	0.00	0%
Change of relevant registered address of club	10.50	10.50	e	0.00	0%
Theft, loss etc. of Temporary Event Notice	10.50	10.50	e	0.00	0%
Theft, loss etc. of Personal Licence	10.50	10.50	e	0.00	0%
Duty to notify of change of name or address	10.50	10.50	e	0.00	0%
Right of freeholder etc. to be notified of licensing matters	21.00	21.00	e	0.00	0%
Premises Licenses Additional Fees					
Where the number of people that the applicant allows on the premises at any one time is 5,000 or more an additional fee will be charged.	-	-		0.00	0%
Total Estimated Annual Income	103,300.00	103,300.00			
<u>ANIMAL WELFARE</u>					

Animal Welfare Regs 2018 Dog Day Care		250.00		262.50	e	12.50	5%
Animal Welfare Regs 2018 Sale of animals		277.50		291.38	e	13.88	5%
Animal Welfare Regs 2018 Breeding Dogs	Vet Fee + 1st inspection only	277.50		291.38	e	13.88	5%
Animal Welfare Regs 2018 Cat and Dog Home Boarding		250.00		262.50	e	12.50	5%
Animal Welfare Regs 2018 Horses (upto 10)	Vet Fee +	277.50		291.38	e	13.88	5%
Animal Welfare Regs 2018 Horses (between 11and 20)	Vet Fee +	350.00		367.50	e	17.50	5%
Animal Welfare Regs 2018 Horses (More than 20)	Vet Fee +	460.00		483.00	e	23.00	5%
Animal Welfare Regs 2018 Keeping or training animals		161.00		169.05	e	8.05	5%
Animal Welfare Regs 2018 Dog Day Care ADDITIONAL ACTIVITY		76.50		80.33	e	3.83	5%
Animal Welfare Regs 2018 Sale of animals ADDITIONAL ACTIVITY		101.00		106.05	e	5.05	5%
Animal Welfare Regs 2018 Breeding Dogs ADDITIONAL ACTIVITY		112.00		117.60	e	5.60	5%
Animal Welfare Regs 2018 Cat and Dog Home Boarding ADDITIONAL ACTIVITY		65.50		68.78	e	3.28	5%
Animal Welfare Regs 2018 Horses (upto 10) ADDITIONAL ACTIVITY		118.50		124.43	e	5.93	5%
Animal Welfare Regs 2018 Horses (between 11 and 20) ADDITONAL ACTIVITY		136.50		143.33	e	6.82	5%
Animal Welfare Regs 2018 Horses (More than 20) ADDITIONAL ACTIVITY		278.50		292.43	e	13.93	5%

Animal Welfare Regs 2018 Keeping or training animals ADDITIONAL ACTIVITY		53.55		2.55	
	51.00		e		5%
Animal Welfare Regs 2018 Dog Day Care PLV	153.00	160.65		7.65	5%
			e		
Animal Welfare Regs 2018 Sale of animals PLV	160.00	168.00		8.00	5%
			e		
Animal Welfare Regs 2018 Breeding Dogs PLV	173.00	181.65		8.65	5%
			e		
Animal Welfare Regs 2018 Cat and Dog Home Boarding PLV	125.00	131.25		6.25	5%
			e		
Animal Welfare Regs 2018 Horses (up to 10) PLV	180.00	189.00		9.00	5%
			e		
Animal Welfare Regs 2018 Horses (between 11 and 20) PLV	196.50	206.33		9.82	5%
			e		
Animal Welfare Regs 2018 Horses (More than 20) PLV	338.50	355.43		16.93	5%
			e		
Animal Welfare Regs 2018 Keeping or training animals PLV	161.00	169.05		8.05	5%
			e		
Animal Welfare Regs 2018 Dog Day Care RESCORE	127.50	133.88		6.38	5%
			e		
Animal Welfare Regs 2018 Sale of animals RESCORE	112.00	117.60		5.60	5%
			e		
Animal Welfare Regs 2018 Breeding Dogs RESCORE	123.00	129.15		6.15	5%
			e		
Animal Welfare Regs 2018 Cat and Dog Home Boarding RESCORE	100.00	105.00		5.00	5%
			e		
Animal Welfare Regs 2018 Horses (up to 10) RESCORE	130.00	136.50		6.50	5%
			e		
Animal Welfare Regs 2018 Horses (between 11 and 20) RESCORE	147.50	154.88		7.38	5%
			e		
Animal Welfare Regs 2018 Horses (More than 20) RESCORE	290.00	304.50		14.50	5%
			e		

Animal Welfare Regs 2018 Keeping or training animals RESCORE		-	-	e	0.00	0%
Animal Welfare Regs 2018 Dog Day Care APPEAL		91.00	95.55	e	4.55	5%
Animal Welfare Regs 2018 Sale of animals APPEAL		79.00	82.95	e	3.95	5%
Animal Welfare Regs 2018 Breeding Dogs APPEAL		96.50	101.33	e	4.83	5%
Animal Welfare Regs 2018 Cat and Dog Home Boarding APPEAL		66.50	69.83	e	3.33	5%
Animal Welfare Regs 2018 Horses (up to 10) APPEAL		96.50	101.33	e	4.83	5%
Animal Welfare Regs 2018 Horses (between 11 and 20) APPEAL		114.50	120.23	e	5.72	5%
Animal Welfare Regs 2018 Horses (More than 20) APPEAL		256.50	269.33	e	12.83	5%
Animal Welfare Regs 2018 Keeping or training animals APPEAL		-	-	e	0.00	0%
Total Estimated Annual Income		1,100.00	1,155.00			
<u>GAMBLING ACT 2003</u>						
<u>Lotteries (Statutory Fee)</u>	Initial	40.00	40.00	e	0.00	0%
	Renewal	20.00	20.00	e	0.00	0%
<u>Gaming Machines (Licensed Premises - Licensing Act 2003)</u>	Statutory Fees					
Notify Licensing Authority of intention to provide a maximum of 2 gaming machines - category C and/or D		50.00	50.00	e	0.00	0%
New licensed premises gaming permit		150.00	150.00	e	0.00	0%
Vary an existing licensed premises gaming permit		100.00	100.00	e	0.00	0%

Transfer an existing licensed premises gaming permit		25.00		25.00	e	0.00	0%
Annual Fee (Permits over 2 machines)		50.00		50.00	e	0.00	0%
<u>Bingo Premises Licence</u>	Statutory Fees						
Annual Fee		800.00		800.00	e	0.00	0%
Application to vary a licence		1,500.00		1,500.00	e	0.00	0%
Application to transfer a licence		1,000.00		1,000.00	e	0.00	0%
Application for reinstatement of a licence		1,000.00		1,000.00	e	0.00	0%
Application for provisional statement		2,700.00		2,700.00	e	0.00	0%
Application for a new premises licence		2,700.00		2,700.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		1,000.00		1,000.00	e	0.00	0%
<u>Adult gaming centre premises licence</u>	Statutory Fees						
Annual Fee		800.00		800.00	e	0.00	0%
Application to vary a licence		800.00		800.00	e	0.00	0%
Application to transfer a licence		1,000.00		1,000.00	e	0.00	0%
Application for reinstatement of a licence		1,000.00		1,000.00	e	0.00	0%
Application for provisional statement		1,500.00		1,500.00	e	0.00	0%
Application for a new premises licence		1,500.00		1,500.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		1,500.00		1,500.00	e	0.00	0%
<u>Club Gaming/Machine Permit</u>	Statutory Fees						
Application for a new permit		200.00		200.00	e	0.00	0%
Application for a permit (Club Premises Certificate Holder)		100.00		100.00	e	0.00	0%

Application for a permit (Existing Operator))		100.00	e	0.00	0%
Application to vary a permit		100.00	e	0.00	0%
Renewal		200.00	e	0.00	0%
Renewal (Club Premises Certificate Holder)		100.00	e	0.00	0%
Annual Fee		50.00	e	0.00	0%
Copy of Permit		15.00	e	0.00	0%
<u>Betting premises (Track licence)</u>	Statutory Fees				
Annual Fee		800.00	e	0.00	0%
Application to vary a licence		1,000.00	e	0.00	0%
Application to transfer a licence		800.00	e	0.00	0%
Application for reinstatement of a licence		800.00	e	0.00	0%
Application for provisional statement		2,000.00	e	0.00	0%
Application for a new premises licence		2,000.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		800.00	e	0.00	0%
<u>Betting premises (other) licence</u>	Statutory Fees				
Annual Fee		500.00	e	0.00	0%
Application to vary a licence		1,200.00	e	0.00	0%
Application to transfer a licence		1,000.00	e	0.00	0%
Application for reinstatement of a licence		1,000.00	e	0.00	0%
Application for provisional statement		2,300.00	e	0.00	0%
Application for a new premises licence		2,300.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		1,000.00	e	0.00	0%

<u>Temporary use notice</u>		250.00	250.00	e	0.00	0%
Family entertainment centre premises licence	Statutory Fees					
Annual Fee		600.00	600.00	e	0.00	0%
Application to vary a licence		800.00	800.00	e	0.00	0%
Application to transfer a licence		800.00	800.00	e	0.00	0%
Application for reinstatement of a licence		800.00	800.00	e	0.00	0%
Application for provisional statement		1,500.00	1,500.00	e	0.00	0%
Application for a new premises licence		1,500.00	1,500.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		800.00	800.00	e	0.00	0%
<u>Family Entertainment Centre Gaming Machine Permit</u>	Statutory Fees					
Application for a new permit		300.00	300.00	e	0.00	0%
Renewal		300.00	300.00	e	0.00	0%
Application to Substitute name		25.00	25.00	e	0.00	0%
Copy of permit		15.00	15.00	e	0.00	0%
Total Estimated Annual Income		13,550.00	13,550.00			

Calendar of Meetings

May 2024 - May 2025

EASTBOURNE
Borough Council



Working in partnership with **Eastbourne Homes**

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MEETING:	Day	Time	May 2024	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan 2025	Feb	Mar	Apr	May
Annual Council	W	6pm	22												21
Council	W	6pm	22		17				13			26			21
Cabinet	W	6pm		12	10		18	23		11		12	26		
Scrutiny Committee	M	6pm			8		16			9		10	24		
Planning Committee	Tu	6pm		4	23	20	17	15	12	10	21	11	18	15	
Licensing Committee***	M	6pm		24							27				
Audit and Governance Committee	W	6pm		26			25		20				5		
Conservation Area Advisory Group	Tu	6pm	28		9		3		19		14		11		
Joint Staff Advisory Committee**	Tu (E) / Th (L)	10am		27 (Th)			10 (Tu)		21 (Th)				18 (Tu)		
Bank Holidays			6, 27			26				25, 26	1			18, 21	5, 26
Elections+			2												1
Other			PCC Elections		LGA Ann. Conf. 2-4										County Council Elections

Notes:

*The dates of other Committees, Sub-Committees and Panels which do not meet regularly will be announced as and when.

**Meetings of Joint Staff Advisory Committee will alternate venues and days between Eastbourne (E) and Lewes (L).

***Additional meetings of the Licensing Committee will be scheduled if required.

+ Scheduled Elections during 2024/25 - PPC 2 May 2024, County Council 1 May 2025, General Election to be held no later than 28 January 2025 on date TBC. 3

Agenda Item 10

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Working in partnership with **Eastbourne Homes**

Audit and Governance Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 November 2023 at 6.00 pm.

Present:

Councillor Christina Ewbank (Chair).

Councillors Ali Dehdashty (Deputy-Chair), Kathy Ballard, Daniel Butcher, Andy Collins, Hugh Parker, Kshama Shore, David Small and Stephen Gilbert (Audit Independent Member).

Officers in attendance:

Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Steven Houchin (Interim Deputy Chief Finance Officer (Corporate Finance)), Jackie Humphrey (Chief Internal Auditor), Ross Sutton (Head of Financial Reporting) and Elaine Roberts (Committee Officer).

Also in attendance:

Ben Sheriff, Deloitte, External Auditor (until completion of Item: External Audit update)

24 Minutes

The minutes of the last meeting held 5 October 2023, were confirmed as an accurate record and the Chair signed the minutes.

25 Apologies for absence/declaration of substitute members

There were no apologies.

26 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

There were none.

27 Questions by members of the public.

The Chair confirmed that no questions had been received.

28 Urgent items of business.

There were none.

29 Right to address the meeting/order of business.

There were no requests to address the meeting.

30 External Audit update

Steven Houchin, Interim Deputy Chief Finance Officer (IDCFO), provided a verbal update of progress regarding Deloitte's external audit of 2020-2021 since the last meeting.

In his report, the IDCFO noted that the majority of queries had been resolved and that Deloitte expected to bring a Statement of Accounts for 2020-21 to the next Audit and Governance Committee in February. The update highlighted that Deloitte now required the 2020-21 audit to take account of issues raised by RAAC (Reinforced autoclaved aerated concrete), and that Deloitte would not be resourcing work on the audit for a three week period over Christmas due to lack of staff. The IDCFO concluded with a brief update on the status of local authority audits nationally.

Deloitte's representative, Ben Sheriff, (attending remotely) explained that the company's position on the RAAC issue was consistent with other auditors and confirmed that Deloitte expected to present a Statement of Accounts for 2020-21 at the next committee meeting.

The Committee considered the update.

Members queried why RAAC issues, which had come to light in 2023, were concerning an audit of 2020-21. The IDCFO confirmed this point had been raised with Deloitte and had logged a request that Deloitte consider how the issue could be managed to avoid further delays to the 2020-21 Audit. The IDCFO reported that identification of potential RAAC was scheduled to be completed by mid-December and follow up investigations if required would take place in January.

Following further comments from members, Officers explained Deloitte's auditing process, which identified particular areas such as housing benefit and debt recovery for review and sample testing, followed by a second internal review, which often led to additional queries.

In response to concerns over possible delays, Deloitte and Finance Officers confirmed that the vast majority of queries had been closed and cleared and that both parties expected that a Statement of Accounts for 2020-21 would be brought to the next committee meeting. Officers confirmed that management of RAAC issues would be challenged again if necessary.

Resolved (unanimously) - To note the verbal update.

31 Annual report on Covert Surveillance Management

Lee Ewan, RIPA (Regulation of Investigatory Powers Act 2000) Monitoring Officer (RIPA MO), presented the report, supported by Oliver Dixon, Lawyer and Senior Responsible Officer for RIPA compliance. The presentation

included an explanation of the powers available to the Council under the Act and highlighted that no applications had been made to use the covert surveillance or undercover powers during the whole of the period covered by the report.

The Chair thanked the RIPA MO for the report and invited questions and comments from Members.

In the following discussions, Officers confirmed that, while there had been no covert surveillance or undercover activity over the past year, it was best practice to report annually. The RIPA MO explained that, following a recommendation from IPCO's (Investigatory Powers Commissioner's Office) 2022 inspection of the Council's surveillance management systems, the Council's policy had been updated to include a specific section concerning collection and management of personal data during surveillance. Officers confirmed that the one investigation carried out since then had fully complied with the revised policy, with case data deleted as soon as the deadline for appeal had passed.

Members thanked Officers for the report and complimented the Team on its thorough approach, which gave assurance and confidence that the Council was complying with relevant legislation and Home Office Code of Practice.

Resolved (unanimously)

To note the covert surveillance summary for September 2022 to September 2023.

32 External Assessment Report

Jackie Humphrey, Chief Internal Auditor (CIA) introduced the External Annual Assessment report. This included an outline of the periodic assessments required to 'audit the auditors', a summary review of the resultant recommendations, the Team's responses, and the Team's approach to secure both qualitative as well as quantitative performance measures.

The Committee considered the report.

The CIA confirmed that a request had been logged for an introduction meeting between Internal Audit and the new external auditors, Grant Thornton, once they were in place.

Following queries from Members, Officers provided further explanation of the two recommendations from the review that had required further consideration and comment from the Chief Finance Officer/151 Officer. The CIA clarified the pay award policy of the Council.

The CIA undertook, for the end of year report, to follow up a request that any changes where recommendations had been complied with would be highlighted, for clarity.

Resolved (unanimously)

To note the information in the report.

33 Internal Audit and Counter Fraud Work Report - Quarter 2

Jackie Humphrey, Chief Internal Auditor (CIA) presented the report, which included a summary of the process adopted by the Internal Audit Team and an explanation of its work to date, as outlined in the report and appendices.

Following questions from Members, Officers noted that:

- The report's approach to income savings figures from counter-fraud work followed national guidelines.
- Internal Audit's work to support anti-slavery was most apparent in the work of the counter-fraud team, which worked closely with the Police to provide useful information and guide victims to support services.
- Additional progress had been made to both items with 'red' RAG status since the close of the period covered by the report (July-September 2023) and follow up actions with Film Liaison had been completed. Officers would check the average licensing fees for location filming and feedback to Members.
- CMT (Corporate Management Team) would consider adding the issue of RAAC to the Strategic Risk Register at its next meeting.
- Auditing best practice had shown that a two-person checking process did not require the individuals to come from different departments to be effective at preventing fraud and could benefit from using persons who understood the business.
- The training programme to raise fraud awareness across the Council was run on a rolling basis in recognition of staff turnover. Departments covered to date this year included all teams within Housing, Revenue and Benefits and Customer First.
- Commitments to specific date deadlines would be sought from those departments with more than one follow-up, including those expecting changes to the team.

Members congratulated the positive score achieved by Council's IT Team from an external review of IT security. Officers confirmed that the results of the audit on cloud computing would be brought to the Committee's meeting in February.

Resolved (unanimously)

To note the information in the report, along with further information requirements identified by Members during the meeting.

34 Treasury Management Quarterly Update

Ross Sutton, Head of Financial Reporting, presented the update and the Committee considered the report.

Following questions from Members, Officers highlighted, from a Treasury point of view, some of the key positive and negative impacts of interest rates over the past year.

Officers supported Members' concerns over the challenge presented by rising costs of borrowing and gave assurance of the Finance Team's work to mitigate the impact of interest rates where possible.

Officers confirmed that a Council representative would attend the Bank of England's quarterly economic review meetings.

Officers clarified queries on a number of issues including fixed term deposits, projections for likely external debt, and the report's details of capital programme spending, and agreed to share information of the latest figures.

The CFO provided a brief outline of funding reductions since 2010 and drew a distinction between the 'demand-led' financial challenges being faced by the Council, such as the 'cost of living crisis', compared to some other Councils where financial difficulties were due to poor financial decisions.

The Committee requested a briefing session from the Finance Team to help Members to better understand the Council's current position.

Resolved (unanimously):

To note that Treasury Management Activities for the period April to September 2023 had been in accordance with the approved Treasury Strategies.

35 Strategic Risk Register Quarterly Review

Jackie Humphrey, Chief Internal Auditor, presented the outcomes of the Corporate Management Team's quarterly review of the Risk Register. The presentation noted the addition of two further risks around housing and CMT's response to the Committee's suggestion to add the issue of outstanding external audits to the Risk Register.

The Committee thanked the CIA for the report and there were no questions. The CIA noted the potential future inclusion of the RAAC issue in the risk register.

Resolved (unanimously)

To note the update to the Strategic Risk Register

36 Date of next meeting

The date of the next meeting was confirmed as Wednesday 28 February 2024 at 6pm in the Court Room, Eastbourne Town Hall.

The meeting ended at 7.55 pm

Councillor Christina Ewbank (Chair)

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Working in partnership with **Eastbourne Homes**

Scrutiny Committee

Minutes of meeting held in Court Room - Town Hall, Eastbourne on 4 December 2023 at 6.00 pm.

Present:

Councillor Kshama Shore (Chair).

Councillors Alan Shuttleworth (Deputy-Chair), Kathy Ballard, Ali Dehdashty, Nigel Goodyear, Jane Lamb, Amanda Morris and Hugh Parker.

Officers in attendance:

Philip Brown (Property Lawyer), Luke Dreeling (Performance Lead), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Nick Peeters (Committee Officer), Nick Ducatel (Functional Lead - Growth and Prosperity), Jo Harper (Head of Business Planning and Performance), Steven Houchin (Interim Deputy Chief Finance Officer (Corporate Finance)), Oliver Jones (Lead, Housing, Homelessness & Community Safety) and Jo Wunsch (Specialist Advisor (Sustainability)).

Also in attendance:

Paul Avery (AECOM Consultants)

31 Minutes of the meeting held on 18 September 2023

Resolved that the minutes of the meeting held on 5 February 2024 were submitted and approved and signed as a correct record by the Chair.

32 Apologies for absence / declaration of substitute members

There were no apologies received.

33 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct

There were none.

34 Questions by members of the public

There were none.

35 Urgent items of business

There were none.

36 Right to address the meeting/order of business

There were none received.

37 Eastbourne Carbon Neutral 2030: Annual Progress Report

The Chair, Councillor Shore, advised that the order of items on the agenda would be altered, with Item 15 - Eastbourne Carbon Neutral 2030: Annual Progress Report, being considered as the first substantive item. The remaining reports would be considered as per the agenda order. The report provided an update on the Council's progress towards the aims of achieving Eastbourne Carbon Neutral by 2030. During discussion, the following points were highlighted:

- Further detail on the baseline figures used as a starting point and confirmation on whether they were nationally set, would be provided. The 'light-touch' refresh referred to in the report and recommendations would involve updating data in the document, such as names and organisations, some of which were out-of-date. It was confirmed that Eastbourne as a town and Eastbourne Borough Council were measured differently and the refresh would look more at how the Strategy outcomes would be actioned and ensuring that, where possible, resources were available to achieve the outcomes. There would be further, more thorough periodic refreshes of the Strategy.
- The figures reported on were those within the Council's buildings and other assets. The emissions levels measured in those areas had reduced during the pandemic but had subsequently increased as the buildings and assets came back into use. The measurements for the Town of Eastbourne were collected nationally by the Department for Energy Security and Net Zero, however, there was two-year delay in their publication. The data would be available in the 2024 strategy.
- A large part of the work within the aims of the Strategy was to work with partnerships, and in areas where the Council was not able to directly reduce levels of emissions, to influence organisations and industry that did directly impact on emission levels.
- Zapmap was an online tool that included real-time identification of charging points, nationally. It was also confirmed that East Sussex County Council had received £4.4 million of funding for the installation of on-street charging points and a public consultation would be included, to determine the locations.
- Future reports would include a breakdown of emissions by service area and the ability to project future levels and represent the data in graph form would be considered. The Council's Tourism Team were working with Eastbourne Eco Action Network to record and monitor the levels of emissions from travel to and from events in the Borough. A presentation on the emissions from Eastbourne Airbourne would be available at the Committee's next meeting.

- Members felt that a more thorough refresh was needed with measurable outcomes.

Resolved to support the Officer recommendations to the Cabinet, subject to the following, amended recommendation being considered:

(3) Approve to delegate authority to the Deputy Chief Executive and Director of Planning and Regeneration, in consultation with the Lead Member for Climate Change, to complete a thorough refresh of the Climate Change Strategy and action plan in readiness for the new financial year 2024/5.

38 Update on the work of Consultants - Eastbourne Houses in Multiple Occupation (HMO) Study

Leigh Palmer, Head of Planning, introduced the report which provided background to the request from the Scrutiny Committee for an update on licenced houses of multiple occupancy (HMOs) in Eastbourne Borough, and the commissioning of consultants to provide data on HMOs. It was highlighted to Members that the update and the report that would follow would not include recommendations for policy direction but instead, were an analysis of the current situation, based on evidence gathered through the Study. It would be for Members of the Council to decide if further scrutiny or action was required.

Paul Avery, Principal Housing Consultant, AECOM, gave a presentation to the Committee which updated Members on the objectives of the Study, which was to provide a robust, evidence-based analysis of the role and impact of HMOs in Eastbourne. The Study covered:

- A review of the current HMOs policy and associated literature.
- An exploration of the current numbers of HMOs.
- The physical condition of the HMOs (the study precluded the internal inspection of properties).
- The impact of HMOs on occupants, communities and neighbourhoods.
- The role of HMOs in the housing market.

During discussion, the following points were highlighted:

- There had been a delay in the production of the report, and there was one dataset that was due to be provided by the Council's Housing Team. Once received, the report would be complete.
- The Housing Team had a diarised inspection regime and responded to risk areas such as mould damp and dangerous electrics. Previous inspection monitoring by the Council had not been included in the Study, as it was considered that a fresh approach would provide a more balanced review. Members considered that previous monitoring regimes and more information on the internal condition of HMOs was needed to provide a

more thorough analysis.

- The suggested interventions were part of the research undertaken, including a review of interventions taken by other authorities, and discussions with those authorities to understand which interventions were successful and how this had been evidenced. The original report to the Cabinet, which initiated the commissioning of the Study, had also included interventions put forward by the Council's Planning Team.
- There were a number of HMOs that were managed individually or as part of a cluster. Some were managed by third-sector organisations that offered temporary accommodation. The benefit or negative impact of an HMO on the area around it could be determined by how well the HMO was managed. It was unusual for the manager/owner of the HMO to live in the property, although the Study had not included this level of investigation.
- The model of an HMO with a live-in manager or a usable room that could provide shared space for residents was considered useful. It had potential for reducing anti-social behaviour that could otherwise end up in public areas. This would, however, impact on the revenue for owners/landlords from the property.
- The model used for the doorstep interviews involved identifying sample areas with the highest percentage of HMO's and randomly sampled addresses in those areas chosen for an interview. The same process was used for low control areas with low HMO concentrations.
- Communication, engagement with communities and addressing negative perceptions of HMO's were areas that could be focused on.
- Members asked that the dataset required to complete the report be provided at the earliest available opportunity.

Resolved to note the update.

39 Corporate performance - quarter 2 - 2023/24

Luke Dreeling, Performance Lead, presented the report which provided an update on the Council's progress and performance in respect of service areas for the Second Quarter of the year (July-September 2023) as shown in Appendix 1 to the report. Linda Farley, Head of Customer First, also provided an update on the Council's complaints procedure. During discussion, the following points were highlighted:

- Solutions Sprint was an internal group of existing Council staff which looked at processes and identified any efficiencies that could be made.
- Seven new starters were anticipated to be working independently in the Customer Contact Centre by January/February 2024. Four additional staff would be in place to deal solely with garden waste enquiries after the

Christmas period, and interviews had taken place, with four new staff appointed. This left one and half vacancies. There were seasonal variances with January-March a busy time with garden waste renewal and the annual billing of council tax. The summer period often involved environmental enquiries due to the warmer temperature.

- Staff availability was managed during the busy periods to maximise staff capacity on phones. Staff recognised that requests for annual leave needed to meet the demands of the business.
- Communication was a key area for improving recycling rates. The Eastbourne Waste Team had an officer dedicated to community engagement who undertook educational work around recycling.
- Staff retention within contact centres had shared challenges nationally. The Council's contact centre was seen as a pathway for staff to other areas within the Council. Skills-based routing was being looked at, which would involve staff being trained to a higher level, with a focus on specific services. Apprenticeships was another area that was used to provide and retain staff.
- **Update on the five complaints that progressed to the Local Government and Social Care Ombudsman** – The five complaints comprised of three regarding housing, one regarding business rates and one regarding council tax. The Ombudsman was satisfied that the measures put in place regarding the business rates and council tax complaints were adequate and they did not progress further. The three housing complaints resulted in the Council providing varying amounts of compensation and a request from the Ombudsman for the Council to put measures in place to improve the service, which have been undertaken.
- Staff were cognisant of the need to fully understand the customer experience and where possible, when the case was passed to an individual member of the Team, to take ownership of the enquiry. A revised complaints policy was currently being reviewed and this would be consulted on in the New Year.

Resolved to note the report.

40 Revenue and Capital Financial Monitoring Report Quarter 2 2023-24

Steve Houchin, Deputy Chief Finance Officer, presented the report which provided an assessment of the Council's financial performance against its approved 2023-24 budget. The report included key financial risks, issues and opportunities identified since 1 April 2023 for the General Fund and the Housing Revenue Account (HRA)

- Homelessness in the Borough was one of the key issues facing the Council, with a significant impact on the Council's budget and overspend. The three areas the Council was working towards were: the continuing lobbying by the

Leader and Cabinet for additional funding and the raising of the issue at a National level; the work towards mitigating the causes of homelessness through early prevention, leading to a reduction in the number of households presenting as homeless; and the work of the Section 151 Officer in continuing to engage with the Department for Levelling Up, Housing and Communities and highlight the issue from the Council's financial situation.

- The worsened position of £1.6m from that reported at Q1 and highlighted in the report, was based on information as of the 30 September 2023. Work had been undertaken to identify areas of spend within the Budget that could be removed or reduced and this work was ongoing. Homelessness had been a factor in the overspend, however, the mitigations already highlighted had been put in place and it was anticipated that as the Council moved through the year, the variance would reduce. The first quarter of reporting often involved a 'light-touch' position in the identification of overspend and the second quarter had involved more thorough work in areas such as homelessness and its impact.
- A Member requested that the Cabinet be advised of the Scrutiny Committee's support of the ongoing work towards promoting homelessness as a widespread issue and the need for a national response, with Government support. Members recognised that, although homelessness was a significant issue, there were other contributing factors that impacted on the Council's financial position. It was further noted by Members that a Full Council motion on Housing and Homelessness had been moved and discussed in November 2023 and had received cross-party support. Members were advised that the very recent and current levels of homelessness and the provision of temporary/emergency accommodation in the Borough were unprecedented and disproportionate, and presented a serious concern to the Council's finances.

Resolved that, following a proposal by Councillor Shuttleworth, the members of the Committee noted and supported the Officer recommendations to the Cabinet, along with a strong endorsement from the Scrutiny Committee of the Council's ongoing work towards its engagement with Government, in highlighting the impact and cost of homelessness and the need for additional funding and support to tackle unprecedented levels.

41 Interim medium term financial strategy

Homira Javid, Chief Finance Officer and Steve Houchin, Deputy Chief Finance Officer, presented the report which provided an update on the interim Medium Term Financial Strategy (MTFS) for 2024/25 to 2027/28, together with the updated Capital Programme position. During discussion, the following points were highlighted:

- The revenue support grant had reduced by approximately £10 million over the previous 10 years. This had been replaced by approximately £4 million in non-domestic rates, over the same period. The MTFS was a complex

piece of modelling and set the demands and requirements of the Council to provide statutory and some discretionary services as effectively as possible. However, the Council could not operate in isolation and its financial modelling was linked to current demands, set against the National picture.

- The Council had secured Levelling-Up grants, however, this was capital funding for specific schemes. The MTFS highlighted the continued pressure on revenue expenditure and whereas it was anticipated that there would be a level of recovery, external and national pressures were limiting the ability of the Council to manage the recovery locally.
- The current situation was very difficult and it was not considered that the Council's position, in continually using reserves and potentially having to reduce service-levels, was sustainable.

Resolved to note the report.

42 Council tax and business rate base 2024/25 - to follow

Steve Houchin, Deputy Chief Finance Officer, presented the report which outlined the Council Tax Base and net yield from Business Rate Income for 2024/25 in accordance with the Local Government Finance Act 1992.

There was no further discussion on the report.

Resolved to note the report.

43 Housing Services - Current Operating Pressures

Oliver Jones, Strategy Lead, Homes First, presented the report which provided a summary of the current operating context and the challenges this is presenting to the delivery of housing services in the Borough.

Members noted the figures already provided on the levels of projected homelessness over the next year, and thanked officers for providing a human element to those figures.

Resolved to note the report.

44 Local council tax reduction scheme

Members were advised that this report and its recommendations would be considered at a later Cabinet meeting.

45 Changes to Discretionary Council Tax Discounts and Empty Homes Premiums from 01 April 2024

Nick Ducatel, Lead for Income Maximisation and Welfare, presented the report which provided detail on the expected level of certain Council Tax discounts and Council Tax premiums with effect from 1 April 2024 and 1 April 2025.

During discussion, the following points were highlighted:

- The Income Maximisation and Welfare Team was proactive in monitoring building control and planning portals to ensure that new builds and conversions were brought into the council tax framework as soon as possible. Empty Homes reviews were carried out, with the most recent one carried out in February 2023. The reviews would continue and measures would be put in place to ensure that council tax avoidance was reduced.
- The recommended levels of council tax discounts and premiums in the report were in line with other districts and boroughs in East Sussex that were already charging the maximum permitted.

Resolved to note the report.

46 Eastbourne Borough Council Asset Strategy

Jo Harper, Head of Business Planning and Performance, presented the report which proposed a new Corporate Property and Assets Strategy, in line with recommendations from the Assurance Review. During discussion, the following points were highlighted:

- The work on identifying which assets were appropriate for disposal had run in parallel with development of the Strategy. Some assets had already been disposed of or leased and these were detailed in 2.2 of the report. It had become evident that there were a variety of challenges in disposing of the remaining assets and there would be further reports as the challenges were worked through.

Resolved to note the report.

47 Forward Plan of Decisions

The Chair, Councillor Shore introduced the Forward Plan of Cabinet decisions, which outlined those reports due for consideration by the Cabinet its future meetings.

Resolved to note the Forward Plan of Cabinet Decisions,

48 Scrutiny Work Programme

The Chair, Councillor Shore, introduced the item which provided an opportunity for Members to add items to the Committee's work programme.

Members were advised that the update on data from Airbourne 2022 and a presentation from Southern Water would be included as items at the Committee's next meeting.

Resolved to note the Scrutiny Committee work programme.

49 Date of the next meeting

Resolved to note that the next meeting of the Scrutiny Committee is scheduled to be held on 5 February 2024 in the Court Room, Town Hall, Eastbourne commencing at 6:00pm.

The meeting ended at 9.35 pm

Councillor Kshama Shore (Chair)

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Working in partnership with **Eastbourne Homes**

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 5 December 2023 at 6.00 pm.

Present:

Councillor Amanda Morris (Chair).

Councillors Daniel Butcher (Deputy-Chair), Kathy Ballard, Colin Belsey, Penny di Cara, Nigel Goodyear, Jane Lamb, Hugh Parker and Teri Sayers-Cooper.

Officers in attendance:

Jo Dunk (Lead for Regulatory Services), Dee O’Leary (Senior Specialist Advisory – Resolution Team, Licensing) Michele Wilkinson (Lawyer – Housing & Regulatory) and Emily Horne (Committee Officer).

10 Minutes of the meeting held on 26 June 2023

The minutes of the meeting held on 26 June 2023 were submitted and approved, and the Chair was authorised to sign them as a correct record.

11 Apologies for absence/declaration of substitute members

Apologies for absence had been received from Councillors Andy Collins, and Anita Mayes. Absence was noted from Councillor Jenny Williams.

12 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Goodyear declared a prejudicial interest in item 9, Amendments to the Hackney Carriage and Private Hire Licensing Guidance, as he was Deputy Chair, Treasurer and Trustee of the Eastbourne Blind Society and shared the same views as the speaker from the Society. He confirmed that he would leave the room for the discussion of the item.

13 Questions by members of the public

There were none.

14 Urgent items of business

There were none.

15 Right to address the meeting/order of business

A request to speak had been received from Mr Mark Simmons of Eastbourne Blind Society on behalf of the Eastbourne Access Group regarding Agenda Item 9, Hackney Carriage and Private Hire Guidance Consultation Results.

16 Approval of Licensing Fees 2024/2025

The Committee considered the report of the Director of Service Delivery which sought its recommendation to Full Council that the licensing fees set out in the appendix to the report be applied from 1 April 2024 to 31 March 2025.

The Regulatory Services Lead (RSL) presented the report highlighting the fees proposed for the year.

Members asked if the fee increases were set centrally. Officer advised that some licensing fees were set centrally and others licensing fees were set locally. In relation to the locally set fees Officers had been mindful of the effect of the increase on certain sectors and the proposed licensing fees had been set in consultation with colleagues in Finance.

Councillor Parker proposed a motion to agree the officer recommendations listed in the report. This was seconded by Councillor Sayers-Cooper.

Resolved (Unanimous) that the Licensing Committee:

- 1) That Full Council be recommended to approve the Licensing fees as set out in Appendix 1 of the report, to apply from 1 April 2024.

17 Hackney Carriage and Private Hire Guidance Consultation Results

Having declared a prejudicial Interest, Councillor Nigel Goodyear left the room during the discussion and voting on this item.

The Committee considered the report of the Director of Service Delivery to review the results of the six-week public consultation on the revised Hackney Carriage and Private Hire Licensing Guidance, to seek to agree the changes to be adopted on a date to be agreed on a date to be agreed with the Chair of the Licensing Committee and to review the Guidance every three years.

Appended to the report at Appendix 1 was the Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance and at Appendix 2, the summary of results in the Consultation Report.

The Regulatory Services Lead (RSL) presented the report, highlighting suggested changes to the Guidance and summarised the submissions received. It was reported that a consultation response had been received after the deadline which had been circulated to the Committee from the Wheelchair Transport Service (WTS).

Members were advised that an Equality and Fairness Analysis Impact

Assessment had been circulated to the Committee as a background document and that due regard should be made to protected characteristics when making a decision.

Mr Mark Simmons, Chief Executive of Eastbourne Blind Society, spoke on behalf of the Eastbourne Access Group to state their opposition to the proposed removal of the requirement that all new Hackney Carriage vehicles should be wheelchair accessible and contended that was a need to improve the provision of accessible travel in Eastbourne.

Members' questions included:

- Could a discount or incentive be provided to encourage drivers to purchase a WAV? The RSL stated were other community transport options available that did not have to be licenced. The consultation feedback had identified some disabled users were not aware of the community service. Officers confirmed that they would look broadly at methods to incentivise the number of WAVS in Eastbourne, to explore more eco-friendly vehicles and to review any Government financial schemes or grants.
- How many WAVs were there and how many new drivers had applied within the last 3 or 4 years? RSL confirmed that since 2019, three new Hackney Carriage WAV's had been licenced by Eastbourne Borough Council.
- What does the routes section of the knowledge test imply? RSL explained the routes test was a topographical assessment that covered points of interest rather than learning the roads. This was not the same as a knowledge test.

Members discussed the importance of the disability legislation, and the need for WAVS to be available at all times. They felt there would be a decline in community groups providing WAVs if it was mandatory for taxis to be WAVs and that the community groups should be supported to ensure vehicles were available regularly at the right times.

The Committee discussed the results of the online public consultation (paragraph 4.3 of the Officers report) and resolved as follows:

Question 2 – Introduce a Private Hire-only Licence for new applicants.

- Members questions included: Was the introduction of a Private Hire-only Licence for new applicants an incentive to join the trade and if so, why? The RSL explained that the Private Hire only licence would mean that applicants would not be required to undertake the route section of the knowledge test, but they would be required to undertake a topographical test. The feedback from the trade was that the dual drivers licence was a barrier and they felt that lowering the requirements would incentivise new drivers into the trade.

Councillor Butcher proposed a motion to implement the change as proposed. This was seconded by Councillor Parker.

Resolved (Unanimously) – To implement the change to introduce a

Private Hire-only Licence for new applicants.**Question 3 – New Hackney Carriage vehicles would no longer be required to be WAVs.**

Councillor Belsey proposed a motion to amend the wording. This was seconded by Councillor Parker.

Resolved (Unanimously) – To amend the wording to state ‘New Hackney Carriage Vehicles will no longer be required to be WAVs, but Officers are delegated to look at ways to incentivise and strongly encourage an increase in the number of licensed WAV’s vehicles. In addition, Officers are delegated to more broadly work with partner agencies, other local authorities and community groups to consider improved access to community transport WAV’s, including but not limited to consideration of available funding.

Question 4 - Reword the Penalty Point scheme to make it easier for licence holders to understand.

Councillor Belsey proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (Unanimously) To implement the change to reword the Penalty Point scheme to make it easier for licence holders to understand.

Question 5 – Bring in a customer and driver charter that sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle.

- Members questions included: How would passengers know what the Charter was and how would someone with a visual impairment would find it or know CCTV was being used? Did drivers carry brail cards? The RSL confirmed the Charter would be available on the Council’s website.

Councillor Ballard proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (Unanimously) - To bring in a customer and driver charter that sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle.

Question 6 and 7 – Whether audio recording should be permitted via CCTV in licensed vehicles other than private hire vehicles issued with a plate exemption for executive and VIP work (those vehicles solely used for this purpose), and if Members were to agree audio whether that would be a/ all the time or b/ in limited circumstances.

- There were some questions and discussion on this matter which included that Officers confirmed that CCTV was mandatory, but audio would not be. The RSL informed the Members that the suppliers' costs for fitting audio may be £80 to £150. It was noted that having an audio switch may escalate conflict if one party was not in agreement with being recorded. Officers noted that if audio was used then it was considered that the Council would be the data controller for the audio as well.

After various votes to agree motions in part Councillor Parker proposed a motion. This was seconded by Councillor Lamb.

Resolved (Unanimously) To permit audio in limited circumstances. The limited circumstances to be a/ via a trigger switch and b/ in vehicles on a school run.

Question 8 – To introduce the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel.

Councillor Butcher proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (by 4 votes to 3 against and 1 abstention) –To implement the change as proposed to introduce the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel.

Question 9 – The RSL advised question 9 was already included in the guidance and did not need to be discussed.

Question 10 – Drivers shall sign up to the Disclosure and Barring Service.

Councillor Sayers-Cooper proposed a motion to implement the change as proposed. This was seconded by Councillor Parker.

Resolved (Unanimously) –To implement the change as proposed that drivers sign up to the Disclosure and Barring Service.

Question 11 – A grant of a licence will be subject to a tax code check being made with the HMRC.

Councillor Lamb proposed a motion to implement the change as proposed. This was seconded by Councillor Sayers-Cooper.

Resolved (Unanimously) – To implement the change as proposed that a grant of a licence will be subject to a tax code check being made with the HMRC.

Question 12 – All new applicants are required to undergo a proficiency

test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.

Councillor di-Cara proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (Unanimously) –To implement the change as proposed that any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.

Question 13 – Propose to introduce a Privacy Notice.

Councillor Ballard proposed a motion to implement the change as proposed. This was seconded by Councillor Butcher.

Resolved (Unanimously) – To implement the change as proposed to introduce a Privacy Notice.

Question 14 – Do you think that there are other changes that should be made to the Guidance?

No further changes were proposed by the Licensing Committee.

Councillor Belsey proposed that the Committee agreed the officer recommendations as listed in the report. This was seconded by Councillor Parker.

RESOLVED (Unanimously):

1. To delegate to the Lawyer to discuss points raised in Appendix C (part of Appendix 2) with those making the submissions and seek to agree changes;
2. To delegate to the Senior Specialist Advisor to take the necessary steps to implement any changes; to produce the final Guidance and publish it on a date to be agreed with the Chair of the Licensing Committee; and
3. To agree that the Guidance be reviewed every three years.

18 Date of the next meeting

It was noted that the next meeting of the Licensing Committee was scheduled to commence at 6:00pm on Monday, 15 January 2024.

Any additional meetings of the Committee would be scheduled as and when required.

The meeting ended at 7.58 pm

Councillor Amanda Morris (Chair)



Working in partnership with **Eastbourne Homes**

Cabinet

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 13 December 2023 at 6.00 pm.

Present:

Councillor Stephen Holt (Chair).

Councillors Margaret Bannister (Deputy-Chair), Peter Diplock, Robin Maxted, Jim Murray and Colin Swansborough.

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Becky Cooke (Director of Tourism, Culture and Organisational Development), Simon Russell (Head of Democratic Services and Monitoring Officer), Kate Slattery (Head of Legal Services), Luke Dreeling (Performance Lead), Jo Harper (Head of Business Planning and Performance), Steven Houchin (Interim Deputy Chief Finance Officer (Corporate Finance)), Lynn Ingram (Interim Head of Financial Planning), Oliver Jones (Lead, Housing, Homelessness & Community Safety) and Jo Wunsch (Specialist Advisor (Sustainability)).

Also in attendance:

Councillor Nick Ansell (Shadow Cabinet member), Councillor Penny di Cara (Opposition Deputy Leader), Councillor Nigel Goodyear (Shadow Cabinet member), Councillor Kshama Shore OBE (Shadow Cabinet member and Chair of Scrutiny Committee) and Councillor Robert Smart (Opposition Leader).

30 Minutes of the meeting held on 1 November 2023

The minutes of the meeting held on 1 November 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

31 Apologies for absence

None were reported.

32 Declaration of members' interests

None were declared.

33 Right to address the meeting/order of business

A request to address Cabinet had been received from Councillor Goodyear for agenda item 13 (Eastbourne Carbon Neutral 2030: Annual Report). The Chair agreed to alter the order of business to consider the item after agenda item 9

(Corporate performance – quarter 2 – 2023/24).

34 Interim Medium Term Financial Strategy 2024/25 to 2027/28

The Cabinet considered the report of the Director of Finance and Performance, asking them to agree the interim Medium Term Financial Strategy (MTFS) for 2024/25 to 2027/28, together with the updated Capital Programme position.

Driven by cost-of-living pressures, the council was experiencing unprecedented increase in demand for some critical services such as homelessness support and the costs of emergency and temporary accommodation. Based on the latest information the net forecast in unfunded cost of temporary accommodation alone was £4.9m (£2.7m more than the budgeted provision).

The council continued to adopt a planned approach and had developed its newly revised Stability & Growth Programme to ensure it remained financially sustainable.

Councillor Diplock updated the Cabinet on progress made since the emergency summit to address the social and financial crisis created by the unprecedented demand for temporary accommodation. A motion was agreed cross-party at the November Full Council meeting, supporting the points raised at the summit, that were then sent in a letter to government. The council would continue to work with partners and seek constructive dialogue with central government on tackling the issues.

The Deputy Chief Executive and Director of Regeneration and Planning also updated the Cabinet regarding ongoing work around the capital programme and upcoming projects.

Resolved (Non-key decision):

(1) To note the updated Medium Term Financial Strategy (MTFS) forecasts and the requirement to identify additional savings of £2.1m for the period 2024/25 to 2027/28.

(2) To note that this forecast could change significantly based upon government funding settlement announcements and demand for services and pressures upon the council.

(3) To note that at this stage a forecast £1.6m of savings are required to balance the 2024/25 budget; and

(4) To note the planned annual review of earmarked reserves which aims to reallocate them in line with the emerging risks.

Reason for decisions:

To provide Cabinet with and update and early sighting of key MTFS and budgetary implications in preparation for the setting of a revenue budget and

associated Council tax for the forthcoming financial year by law.

35 Revenue and Capital Financial Monitoring Report Quarter 2 - 2023-24

The Cabinet considered the report of the Director of Finance and Performance, providing an assessment of the Council's financial performance against its approved 2023-24 budget, incorporating key financial risks, issues and opportunities identified since 1 April 2023 for the General Fund and the Housing Revenue Account (HRA).

The Council, alongside many other local authorities and organisations across the nation, had seen a significant impact on its finances because of external factors beyond its control, including the rising costs of homelessness and lack of clarity over Government funding. As a result of these externally driven financial challenges, the Corporate Management Team continued to be focused on reducing the cost-of-service delivery in their areas to support the Council to forecast spend closer in line with the budget, whilst ensuring that services were still delivered and that there was not a corresponding reduction in service provision.

Section 3 of the report covered the pressures of homelessness and temporary accommodation on the council's financial position in greater detail. Thanks were expressed to council officers for their continuous work in addressing the ongoing pressures.

Scrutiny Committee, at its meeting on 10 July 2023, considered the report. The Committee resolved to support the Officer recommendations to the Cabinet along with a strong endorsement from the Scrutiny Committee of the Council's ongoing work towards its engagement with Government, in highlighting the impact and cost of homelessness and the need for additional funding and support to tackle unprecedented levels. This was strongly welcomed by the Cabinet.

Resolved (Non-key decision):

- (1) To note the forecast outturn position for 2023-24 and associated risks.
- (2) To delegate authority to the Director of Finance and Performance and the portfolio holder for finance to apply the required budget virements to support effective management of the overall budget.
- (3) To note Appendix 1 and 2 to the report.

Reason for decisions:

To update members on the financial position of the Council and ensure that the authority complies with its financial regulations.

36 Corporate performance - quarter 2 - 2023/24

The Cabinet considered the report of the Director of Finance and Performance, considering the council's progress and performance in respect of service areas for the second quarter of the year (July-September 2023), as shown at Appendix 1 to the report.

The overall position reported that 16 of the 23 key performance indicators for which a target had been set, were green (over target) or amber (only just off target), despite the challenging financial position being experienced by the authority.

Resolved (Non-key decision):

To note progress and performance for Quarter 2 2023/24.

Reason for decision:

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

37 Eastbourne Carbon Neutral 2030: Annual Report

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, noting progress to date and approve publication of the Annual Update, as detailed at Appendix 1 to the report.

The report provided a summary emission report for the year 2022/23, along with a progress summary against its baseline year 2018/19. The report also detailed the many regional and local projects that the council had progressed over the year, working with partners, neighbouring local authorities and other community groups.

Scrutiny Committee, at its meeting on 4 December 2023, considered the report and were supportive of the officer recommendations, subject to the following amendment to recommendation (3) being considered :

(3) Approve to delegate authority to the Deputy Chief Executive and Director of Planning and Regeneration, in consultation with the Lead Member for Climate Change, to complete a **thorough** refresh of the Climate Change Strategy and action plan in readiness for the new financial year 2024/5.

Visiting member, Councillor Goodyear, addressed the Cabinet on this item and endorsed the recommendation made by the Scrutiny Committee. Following discussion, the Cabinet unanimously agreed to accept the recommendation and expressed the need for continuous partnership working on this topic.

Resolved (Key decision):

(1) To approve the 'Eastbourne Carbon Neutral 2030' Annual Update as attached at Appendix 1 to the report for publication on the website.

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

(3) To approve to delegate authority to the Deputy Chief Executive and Director of Planning and Regeneration, in consultation with the Lead Member for Climate Change, to complete a thorough refresh of the Climate Change Strategy and action plan in readiness for the new financial year 2024/5.

Reason for decisions:

To progress towards the aims of achieving Eastbourne Carbon Neutral 2030, as resolved in July 2019.

38 Housing Services - Current Operating Pressures

The Cabinet considered the report of the Director of Service Delivery, providing Cabinet with a summary of the current operating context and the challenges that is presenting to the delivery of housing services in the Borough.

An additional recommendation was added to reflect the Cabinet's appreciation of the efforts undertaken by Council teams in responding to the pressures and this was detailed below.

Resolved (Non-key decision):

(1) To note the contents of the report and the activities that Council teams are taking to address these.

(2) To express thanks to Council teams for their ongoing work and efforts in response to the current operating pressures.

Reason for decision:

To provide information about the current operating context.

39 Council tax and business rate base 2024/25

The Cabinet considered the report of the Director of Finance and Performance, asking them to approve the Council Tax Base and net yield from Business Rate Income for 2024/25, in accordance with the Local Government Finance Act 1992.

Resolved (Key decision):

(1) To agree the provisional Council Tax Base of 35,687.2 for 2024/25

(2) To 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 2024/25.

(3) To agree that the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, determine net yield from Business Rate income for 2024/25.

Reason for decisions:

Cabinet is required to approve the Tax Base which will be used for the purposes of calculating the 2024/25 Council Tax.

40 Council Tax Discounts and Premiums

The Cabinet considered the report of the Director of Service Delivery, asking them to determine the level of certain Council Tax discounts and Council Tax premiums with effect from 1 April 2024 and 1 April 2025 and recommend that decision to Full Council.

The proposed changes were in line with the majority of councils across the country and followed the introduction of new rules by government that allowed local authorities to set higher council tax premiums on empty and second homes.

The Cabinet advised that a report on the council tax reduction scheme would be considered at its next meeting in February 2024.

Recommended to Full Council (Budget and policy framework):

(1) From 1 April 2024

(a) The adoption of a standard 0% discount for all Class C and D chargeable dwellings; and

(b) Levying the maximum level of premium i.e.:

- Premium of 100% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) after 1 years up to 5 years of becoming empty;
- Premium of 200% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) between 5 years and up to 10 years; and
- Premium of 300% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) for 10 years or more.

(2) From 1 April 2025

(a) The continued application of 0% discount for Class C & D and Empty Homes premiums at 100% effective when dwellings have been unoccupied and substantially unfurnished for 1 year; and

(b) The application of a premium (Second Homes Premium) of 100% for all dwellings the are no one's sole or main residence and which is substantially furnished.

(3) Exception to premiums

Where premiums are to be applied, the Council is mindful of the current consultation by government which recommends exceptions in certain circumstances outlined within the report. Subject to the outcome of that consultation, it is recommended that the Section 151 Officer is given delegated powers to implement the Council's policy on premiums in line with statute, the Council's requirements and any guidance given by the Secretary of State.

Reason for decisions:

(a) To reduce the number of empty homes within the Borough in line with the Council's Empty Homes Strategy; and

(b) To encourage the use of premises as main residences by local residents rather than second homes.

41 Eastbourne Borough Council Asset Strategy

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, asking them to agree a new Corporate Property and Assets Strategy, in line with recommendations from the Assurance Review.

Officers were advised that there was a minor typo in appendix 1 to the report. Under list of assets '1-5 Seaside Road', should instead be named '1-5 Seaside'. This was noted by officers.

Resolved (Key decision):

(1) To agree the strategy, as detailed at Appendix 1 to the report, to inform future asset related decisions.

(2) To authorise the Director of Regeneration and Planning to adopt the strategy and produce a formatted version for public release.

Reason for decisions:

There was a need to update and replace previous related documentation in light of Assurance Review recommendations.

The meeting ended at 6.53 pm

Councillor Stephen Holt (Chair)

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Working in partnership with **Eastbourne Homes**

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 15 January 2024 at 6.00 pm.

Present:

Councillor Amanda Morris (Chair).

Councillors Daniel Butcher (Deputy-Chair), Kathy Ballard, Nigel Goodyear, Jane Lamb, Hugh Parker, Teri Sayers-Cooper and Jenny Williams.

Officers in attendance:

Jo Dunk (Lead for Regulatory Services), Dee O'Leary (Senior Specialist Advisory – Resolution Team, Licensing) Michele Wilkinson (Lawyer – Housing & Regulatory) and Emily Horne (Committee Officer).

19 Minutes of the meeting held on 5 December 2023

The minutes of the meeting held on 5 December 2023 were submitted and approved, and the Chair was authorised to sign them as a correct record.

20 Apologies for absence/declaration of substitute members

Apologies for absence had been received from Councillors Colin Belsey, Andy Collins, and Penny di Cara. Absence was noted from Councillor Anita Mayes.

21 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Goodyear declared a personal interest in relation to Agenda Item 8, Review of the Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy, as he was Trustee of the Leaf Hall Trust, which had a licence. Councillor Williams declared a personal interest in Agenda Item 8 as a Trustee of the Towner, Eastbourne, which also had a licence.

22 Questions by members of the public

There were none.

23 Urgent items of business

There were none.

24 Right to address the meeting/order of business

There were none.

25 Supporting the transition to lower or zero emission vehicles in the taxi and private hire sector

The Committee considered the report of the Chief Executive which sought to support the transition to lower and zero emission vehicles.

Members supported the proposal to encourage the trade to move to electric or hybrid vehicles. It was recognised that there was a need for the number of rapid charging points to be increased in the borough. Members also requested clarification between rapid and fast charging, which were terms use in the officer's report.

The RSL explained that the proposal was to remove the current 15 year age limit for low, hybrid, ultra low and zero emission vehicles and explained that the certification to confirm the vehicle had met its emission requirements was required as part of the MOT test.

Councillor Ballard proposed approval of the officer recommendation as set out in the report. This was seconded by Councillor Goodyear.

Resolved (Unanimously):

- 1) That the Hackney Carriage and Private Hire Licensing Guidance be amended so that new and relicensed vehicles defined by the Vehicle Certification Agency as low, hybrid, ultra-low or zero emission vehicles shall be age exempt.

26 Review of the Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy

The Committee considered the report of the Chief Executive to consider the Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy, which was reviewed every five years, and to agree a six-week public consultation.

Appended to the report at Appendix 1 was the Eastbourne Borough Council current Statement of Licensing Policy 2019-2024 and at Appendix 2, the proposed amended Statement of Licensing Policy 2024-2029.

The Regulatory Services Lead (RSL) presented the report, highlighting suggested changes to the Guidance.

Councillor Parker proposed that the Committee agree the officer recommendations as listed in the report. This was seconded by Councillor Lamb.

RESOLVED (Unanimously):

1. To authorise the Senior Specialist Advisor to start a six-week consultation with the public, trade and interested bodies; and
2. To agree that following the consultation period the Lead for Regulatory Services, in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Eastbourne Borough Council Statement of Licensing Policy and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation a report be brought back to a Licensing Committee.

27 Date of the next meeting

Any additional meetings of the Committee would be scheduled as and when required.

The meeting ended at 6.26 pm

Councillor Amanda Morris (Chair)

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 29 January 2024 at 6.00 pm.

Present:

Councillor Hugh Parker (Chair).

Councillors Amanda Morris (Deputy-Chair), Nick Ansell, Daniel Butcher, Jane Lamb, Teri Sayers-Cooper and Candy Vaughan.

Officers in attendance:

Neil Collins (Development Management Lead), Helen Monaghan (Lawyer, Planning), Emily Horne (Committee Officer).

43 Introductions

Members of the Committee and Officers introduced themselves to all those who were present during the meeting.

44 Apologies for absence and notification of substitute members

Apologies had been received from Councillor Andy Collins and Councillor Anita Mayes. Councillor Butcher confirmed that he was acting as substitute for Councillor Collins.

45 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

No declarations of interest were made at the meeting.

46 Urgent items of business.

There were no urgent items.

47 Minutes of the meeting held on 16 October 2023

The minutes of the meeting held on 16 October 2023 were submitted and approved as a correct record, and the Chair was authorised to sign them.

48 Officer Update

An officer addendum was circulated to the Committee prior to the start of the meeting, updating the report on the agenda with any late information (a copy of which was published on the Council's website).

49 Unit 7 and 8, The Crumbles. ID 230607

Retrospective application for consent to display 1no. internally illuminated fascia sign, 2no. non illuminated fascia signs, 2no panel signs and 2no. Sets of glazing graphics to front and rear elevations (amended scheme received 29/11/2023) – **SOVEREIGN**.

The Development Management Lead (DML) presented the report.

The Committee was advised by way of the Addendum that one further representation had been received since the officer report, the revised wording for Condition No. 1, and to omit Condition No. 6.

Mr Bender, neighbour, spoke on behalf of residents against of the revised application concerning the appearance of the signs. Councillor di Cara, Ward Councillor, addressed the Committee in objection to the application.

Members felt the large rear high level fascia sign was inappropriate and too bright and queried if it could be removed, and if the illumination on the front elevational sign could be turned off at 10pm when the business was closed.

The DML advised the application could either be deferred for officers to liaise with the applicant regarding the proposed amendments which would come back to Committee for determination, or the application could be delegated to officers to request the amendments.

The Lawyer added that if the application was delegated to officers and if it was refused following negotiations and the rear high level fascia sign was not removed, the breach of planning would be referred to the Planning Enforcement team.

Councillor Morris put forward a proposal, against the officer's recommendation, to defer the application to enable officers to seek the removal of the rear high level fascia sign and to add a condition to restrict the hours of illumination on the front fascia sign, to be determined at a future meeting. This was seconded by Councillor Vaughan and was put to the vote and this was lost unanimously.

Councillor Lamb put forward a proposal against the officer's recommendation to delegate officers to seek the removal of the rear high level fascia sign with the applicant and to add a condition to restrict the hours of illumination on the front fascia sign. This was seconded by Councillor Morris and was carried.

RESOLVED: (Unanimously) that delegated authority be provided to the Development Management Lead to liaise with the applicant regarding the removal of the large rear high level fascia sign; to add a condition to control illumination of the front fascia sign within certain hours, and to refuse the application if not possible through negotiation.

50 Mansion (Lions) Hotel, 32-35 Grand Parade. ID: 230778

Reserved Matters Application (Landscaping) in relation to planning permission 200280 granted 03/12/2020 - **MEADS**.

The Development Management Lead presented the report.

The Committee was advised by way of the Addendum that there were no further updates.

Councillor Lamb put forward a proposal in line with the officer's recommendation. This was seconded by Councillor Ansell and was carried.

RESOLVED: (Unanimously) that the application be granted subject to the conditions in the Officer's report.

51 Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Monday, 26 February 2024.

The meeting ended at 6.58 pm

Councillor Hugh Parker (Chair)

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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 7 February 2024 at 6.00 pm.

Present:

Councillor Stephen Holt (Chair).

Councillors Margaret Bannister (Deputy-Chair), Peter Diplock, Robin Maxted, Jim Murray and Colin Swansborough.

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Becky Cooke (Director of Tourism, Culture and Organisational Development), Simon Russell (Head of Democratic Services and Monitoring Officer), Kate Slattery (Head of Legal Services), Steven Houchin (Interim Deputy Chief Finance Officer (Corporate Finance)), Lynn Ingram (Interim Head of Financial Planning), Bill McCafferty (Lead for Income Maximisation and Welfare) and Ross Sutton (Head of Financial Reporting).

Also in attendance:

Councillor Penny di Cara (Opposition Deputy Leader), Councillor Christina Ewbank (Chair of Audit and Governance Committee), Councillor David Small (Shadow Cabinet member) and Councillor Robert Smart (Opposition Leader).

42 Minutes of the meeting held on 13 December 2023

The minutes of the meeting held on 13 December 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

43 Apologies for absence

None were reported.

44 Declaration of members' interests

Councillor Holt declared a disclosable pecuniary interest in agenda item 12 (Your Eastbourne Business Improvement District Renewal proposal 2024/25), as the matter concerned his employer. He withdrew from the room and took no part in the discussion or vote on the item. Councillor Bannister chaired the meeting for the duration of the item.

Councillor Bannister declared a personal interest in agenda item 12 (Your Eastbourne Business Improvement District Renewal proposal 2024/25), as she had occasionally done voluntary work for Eastbourne BID. She remained in the

room and voted on the item.

45 General fund budget 2024/25 and capital programme

The Cabinet considered the report of the Director of Finance and Performance, seeking its agreement and recommendation to Full Council of the General Fund Budget 2023/24 and updated Medium Term Financial Strategy (MTFS), together with the updated Capital Programme and Treasury Management position.

Thanks were expressed to officers for their work in producing the report and for their ongoing discussions with the Department of Levelling Up Housing & Communities (DLUHC).

Since publication of the report, the Cabinet reported that DLUHC had rejected its application for additional Council Tax setting powers above 2.99%, detailed as Option C in the report. This would therefore be withdrawn as an option to be recommended to Full Council. The Council were still to be notified of its request for Exceptional Financial Support.

A minor correction to the proposed fees and charges, set out at Appendix 6 was reported in relation to annual green waste fees. The corrected figure would be uploaded following the meeting, ahead of Full Council consideration.

Officers had also been informed of a late change to the forecast used to establish the potential business rate deficit, as part of the government return called NNDR1. Due to several last-minute appeal applications by business rate payers, the level of provision for appeals may increase.

The Scrutiny Committee at its meeting on 5 February 2024, considered the report and made the following comment for Cabinet's consideration:

- **That the Scrutiny Committee endorse the Cabinet's work in continuing to lobby the Government to support local councils through exceptional financial challenges and exploring all funding options.**

Cabinet acknowledged and expressed its thanks to the Scrutiny Committee for the comment.

Recommended to Full Council (Budget and policy framework):

(1) Continue to lobby the UK Government for additional funding in recognition of the exceptional financial pressures placed on Local Councils in tackling the cost of homelessness, which in Eastbourne is projected to be £4.9m for 23/24 to pay for temporary accommodation.

- a) In this circumstance, EBC Council Tax would increase for a Band D property to 2.99% and deliver £3.8m of savings over two years as per previous MTFS and reporting. This is Eastbourne Borough

Councils preferred option.

- b) Our preference is that the Government recognise the extreme pressures placed on Councils of all political persuasions, and agrees, as they have done with social care, to provide exceptional, emergency support to Councils to cover the costs of EA/TA in the Budget.
- c) However, in appreciation that this may be unlikely, the Council have put forward other alternatives as we continue dialogue with DLHUC to provide support for this authority.

(2) To give delegated authority to the Section 151 Officer and Chief Executive in consultation with the Leader of the Council and the Cabinet Member for Finance to approve one of the following options in respect to the General Fund Budget 2024/25 dependent on the outcome of the Councils application to the Department of Levelling Up Housing & Communities for Exceptional Financial Support.

- a) Option A is based on Department of Levelling Up Housing & Communities recognising and directly funding the increased number of homelessness and temporary accommodation placements activity from 2023/24 onwards (Appendices 1A, 2A, 3A & 4A).
- b) Option B which assumes the acceptance of Exceptional Financial Support by Department of Levelling Up Housing & Communities but does not include additional Council Tax setting powers over and above the existing pre-referendum limit of 2.99% (Appendices 1B, 2B, 3B & 4B).
- d) Option D which assumes the refusal of Exceptional Financial Support by Department of Levelling Up Housing & Communities (Appendices 1D, 2D, 3D & 4D).

(3) To give delegated authority to the Section 151 Officer and Chief executive in consultation with the Leader of the Council and the Cabinet Member for Finance to approve an increase in the Council Tax for Eastbourne Borough Council dependent on the options described above.

- a) Option A, B & D- An increase of 2.99% resulting in a gross Band D charge of £277.74 for 2024/25 an increase of £8.06 per annum.

(4) The revised General Fund & Housing Revenue Account Capital Programme 2024/25 as set out at Appendix 5 to the report.

(5) The rates of Fees and Charges proposed within Appendix 5 to apply from 1 April 2024 and to implement changes to statutory fees and charges for services shown within Appendix 5 as and when notified by Government.

(6) To note the Section 151 Officer's sign off as outlined in the report.

Reason for decisions:

The Cabinet has to recommend to Full Council the setting of a revenue budget and associated Council Tax for the forthcoming financial year by law.

46 Treasury Management Strategy, Investment Strategy, Capital Strategy and Prudential Indicators 2024/25

The Cabinet considered the report of the Director of Finance and Performance, asking them to approve and recommend to Full Council, the Council's Annual Treasury Management Strategy, Capital Strategy and Investment Strategy, together with the Treasury and Prudential Indicators.

Recommended to Full Council (Budget and policy framework):

(1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25 as set out in Appendix A;

(2) To approve the Minimum Revenue Provision Policy Statement 2024/25 (Appendix A);

(3) To approve the Prudential and Treasury Indicators 2024/25 to 2026/27 (Appendix A);

(4) To approve the Capital Strategy 2024/25 (Appendix B).

Reason for decisions:

It is a requirement within the budget setting process for the Council to review and approve the Prudential and Treasury indicators, Treasury Strategy, Investment Strategy and Capital Strategy.

47 Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024/25 and HRA Capital Programme 2023-28

The Cabinet considered the report of the Director of Finance and Performance, asking it to agree and recommend to Full Council, the detailed Housing Revenue Account (HRA) budget proposals, rent levels, service charges and heating costs for 2024/25, and the HRA Capital Programme 2023-28.

In response to a question, officers advised that they would update Cabinet with regards to any impact on proposals as a result of the Government's announcement on Local Housing Allowance rates.

Recommended to Full Council (Budget and policy framework):

(1) The HRA budget for 2024/25 and revised 2023/24 budget as set out at Appendix 1 to the report.

(2) That social and affordable rents (including Shared Ownership) are increased by 7.7% with effect from 1st April 2024 in line with government policy.

(3) That, with effect from 1 April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.

(4) That the revised service charges as set out in paragraphs 2.3 to 2.6 of the report are implemented with effect from 1st April 2024.

(5) That Garage rents are increased by 6.7%.

(6) To grant delegated authority to the Chief Executive, in consultation with the Cabinet Portfolio holder for Finance and Resources and the Chief Finance Officer to finalise Eastbourne Homes' Management Fees and Delivery Plans for both 2023/24 and 2024/25.

(7) The HRA Capital Programme as set out at Appendix 2 to the report.

(8) To note that £871.5k of Major Works expenditure is shown in the Capital Programme in 2024/25 and 2025/26 to improve EPC ratings in HRA properties, this expenditure being the subject of a Government grant bid to secure 50% match-funding.

Reason for decisions:

The Cabinet must recommend to Full Council the setting of the HRA revenue and capital budget and the level of social and affordable housing rents for the forthcoming year.

48 Local Council Tax Reduction Scheme 2024/25

The Cabinet considered the report of the Chief Executive, asking for its recommendation to Full Council that the 2023/24 Local Council Tax Reduction (LCTR) Scheme is adopted as the 2024/25 scheme and to seek Cabinet's approval to commence the statutory consultation process the Council needs to follow in order to make changes to the current LCTR scheme.

It was advised that discussions were ongoing with the local voluntary sector on how best to utilise the Exceptional Hardship Scheme and work would continue on exploring opportunities to supplement that fund further.

Recommended to Full Council (Budget and policy framework):

(1) Cabinet recommend to Full Council that the 2023/24 Local Council Tax Reduction Scheme is adopted as the 2024/25 scheme.

(2) Subject to Full Council approval Cabinet grants the Chief Executive delegated authority:

(a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and

(b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Finance and Resources

(3) That the Exceptional Hardship Scheme continues in 2024/25 subject to funds being available.

(4) That an initial £25,000 be added to the Exceptional Hardship Scheme with this coming from the additional income raised from changes to Council Tax Discounts and Exemptions.

Resolved (Key decision):

(5) That Cabinet with the objective of implementing a revised Local Council Tax Reduction Scheme in future years:

(a) authorise the Chief Finance Officer to enter into consultation with the major precepting authorities.

(b) authorise the Chief Executive to produce a draft scheme that calculates a Council Tax Reduction of 100% of a person's council tax liability, removes the Minimum-Income Floor for the self-employed and removes the £5.00 minimum award.

(c) on completion of the consultation and drafting authorised under (a) and (b) above, authorise the Chief Executive to consult with other interested parties.

Reason for decisions:

The Council must review the scheme each year and adopt a scheme for the coming year.

49 Corporate Plan 2024 - 2028

The Cabinet considered the report of the Chief Executive, asking it to consider and recommend the draft Corporate Plan 2024-2028 to Full Council for adoption.

Thanks were expressed to those that engaged in the consultation process.

Resolved (Key decision):

(1) To consider the Corporate Plan.

(2) That any final minor amendments arising from the consultation responses

be delegated for amendment to the Chief Executive, in consultation with the Leader, and

Recommended to Full Council (Budget and policy framework):

(3) That full council adopt the Plan as its overarching corporate policy document for the next 4 years.

Reason for decisions:

To enable the Council to set out its strategic vision, objectives and priority projects for the next four years and provide a firm basis for forward planning and performance management.

50 Your Eastbourne Business Improvement District Renewal proposal 2024/25

The Cabinet considered the report of the Chief Executive, outlining the process for Your Eastbourne Business Improvement District (BID) to carry out a ballot in July 2024.

(N.B: Councillor Holt declared a disclosable pecuniary interest in this item and withdrew from the room whilst the item was considered. Councillor Bannister chaired the meeting for the duration of this item. Councillor Bannister declared a personal interest in this item and remained in the room and voted on the item.)

Resolved (Key decision):

(1) To approve the BID ballot and the Council's Returning Officer (as 'ballot holder') to proceed with the ballot.

(2) To give the Director of Finance and Performance delegated authority to vote in the ballot on behalf of the Council.

(3) To give the Director of Finance and Performance delegated authority to approve the BID proposal and Operating agreement.

(4) To agree the expected costs of the ballot (c.£5,485) will be met by the Council.

(5) To agree that the Council will pay the estimated annual BID levy cost (c.£10,197) for Council owned properties within the BID boundary.

(6) To note that the Council's reasonable costs of collecting the levy and the associated financial management costs will be recoverable from the BID levy monies.

(7) To note that the Council's Returning Officer is permitted to delegate his responsibilities to others and that he has engaged the services of Civica to

undertake the ballot on his behalf.

Reason for decisions:

To set out the specific role of the Council and its responsibilities in relation to the ballot and to note and agree the associated costs of the ballot as well as the ongoing administration of the BID levy.

The meeting ended at 6.28 pm

Councillor Stephen Holt (Chair)

Eastbourne Borough Council

28 February 2024

Amendments being proposed:

Agenda Item 11b – Motion – To support the youth voice in Eastbourne.

Amendment to be proposed by Councillor di Cara (changes shown in blue)

The Council will: ~~adopt a new and co-created approach to local democracy by seeking to:~~

Connect with Young People:

To encourage all local Councillors to connect with existing youth structures **and seek such as the East Sussex Youth Cabinet** to provide a platform for young people to offer an input on policies and participate in discussions on local issues.

To offer an annual open forum at the Town Hall hosted by Councillors, allowing young people to express their views to elected members on matters important to them.

Promote Youth-Friendly Spaces:

To actively promote youth-friendly spaces and events where young people can express their ideas, concerns, and aspirations for the community.

Collaboration:

For the relevant Cabinet Members and members appointed by Full Council to hold a 'youth brief', to seek to **engage with the East Sussex Youth Cabinet who** collaborate with local schools, youth and community groups to encourage young people to be consulted and involved in decision-making processes and civic activities.

Promote Street Art and Young Artists:

To promote street art, murals, and showcasing the talent of young artists, reflecting the desire of young people to see themselves reflected in the town through 'colour' and life.

Support Young Artists Market:

To support the Youth Market and ensure it provides creative opportunities to showcase young people's talent, fostering town-wide pride in our youth.

Agenda Item 11c - Motion – Houses in Multiple Occupation (HMO) Study.

Amendment to be proposed by Councillor Murray (changes shown in blue)

“This Council ~~requests~~ **welcomes** the issuing of the updated report by Aecom entitled ‘Eastbourne Houses in Multiple Occupation (HMO) Study’, a draft of which was produced in June 2023, subject to Aecom having all required information. **With this additional information, it will allow the Council**, as a matter of urgency to bring forward and consider through a future committee report the intervention options that might be proposed in the final report. ~~including but not limited to Article 4 intervention.~~

It is important that the Council looks at this particular area of housing, as it supports those with specific needs, with the housing crisis that we are facing and fills in some of the gaps that are being left by the traditional housing supply chain. It is important that the Council addresses these issues to support those most in need, whilst ensuring that the local community has a mixed tenure of housing in its area. The report will guide the Council in delivering options to deal with HMO’s including, but not limited to, Article 4 intervention.”

Agenda Item 11d – Motion – A Housing Emergency

Alternative course of Action to be proposed by Councillor Small

“This Council Notes:

- That the underlying issues behind Eastbourne’s increased demand for temporary and emergency accommodation are complex and many, but primarily driven by a shrinking and increasingly unaffordable private rental sector, a severe shortage of housing available to the Council for placements and employment levels in the town falling relative to the national average, all further being exacerbated by the increased cost of living following the pandemic and energy crisis triggered by the invasion of Ukraine.
- This is despite a national backdrop of record levels of house building, with the national target of a million homes built during this current parliament on course to be met and close to record levels of employment across the UK.
- Locally, Eastbourne has seen an average of 180 net dwellings constructed every year, with just half of these being new builds, despite a significant number of brownfield sites sitting vacant for years on end.
- There is also a major shortage of housing for those on the housing waiting list, with cases of residents in band C waiting as long as 13 years for a property.

For Eastbourne, the end result has been:

- Ordinary working families being priced out of the housing market through no fault of their own;

- Almost everyone knowing someone who is struggling to access housing of their choice; and
- The Council's total net spend on TA in 2023/24 forecast to be circa £4.6m, up from 3.8m in 2022/23 and £1.6m in 2021/22.

As such, this Council calls on the Leader and Cabinet to:

- Make use of all available powers to maximise Eastbourne's attractiveness for new housing proposals and commits to working meaningfully with all partners at both local and national level to solve the challenges that are blocking development in the town, notably but not limited to the sites at Bedfordwell Road, Junction Road, TJ Hughes and Debenhams buildings.
- Commits to publishing its own locally determined housing need figure, to help guide the towns housing ambitions.
- Commends the government for the action already taken to address the temporary accommodation challenges that this Council faces, namely in uprating the Local Housing Allowance Rate at a cost of £9Bn over the next 5 years, and uprating the core spending power grant to Eastbourne by an additional £145,000.
- Requests that the local MP continues to lobby the Treasury and Department for Levelling Up, Housing and Communities for the Housing Benefit Subsidy Rate to be increased and that the Council engages with the housing sector, MP and Government on what long term solutions are needed to fix the national housing crisis.
- Formally consider redefining the tourist zone, with a view to having a smaller number of higher quality beds and allowing some existing tourist accommodation to be converted to residential. ”

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