

# Full Council

## 19 February 2024

Quorum: 11

*Published: Friday, 9 February 2024*



### To the Members of the Council

You are summoned to attend a meeting of the Council to be held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 19 February 2024 at 6.00 pm to transact the following business.

**Note:** At the commencement of the meeting the Chair will ask for a period of silence to enable councillors to focus their thoughts on the meeting or to pray silently.

## Agenda

**1 Minutes of the meeting held on 20 November 2023** (Pages 7 - 14)

To confirm and sign the minutes of the meeting of the Council dated 20 November 2023.

**2 Apologies for absence**

**3 Declarations of interest**

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

**4 Announcements** (Pages 15 - 16)

To receive any announcements from the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive. A list of the Chair of the Council's engagements since the previous meeting is enclosed.

**5 Urgent items**

Items not on the agenda which the Chair of the meeting is of the opinion should

be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

## **6 Questions from members of the public**

To deal with questions which members of the public may wish to put to members of the Cabinet in accordance with Council Procedure Rule 11 (if any).

## **7 Petitions**

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (if any).

## **8 Urgent decisions taken by the Cabinet or Cabinet members**

In accordance with Scrutiny Procedure Rule 17, to receive details of any urgent decisions taken by the Cabinet or Cabinet members since the previous meeting.

## **9 Member Attendance**

To approve the absence of Councillor Coupland from attendance at any Full Council, Committee or Sub-Committee meeting of Lewes District Council pursuant to Section 85(1) of the Local Government Act 1972, due to his current ill health, for a period from 19 February 2024 up to and including the date of the November Full Council meeting, scheduled to be 18 November 2024.

## **10 Recommendations from Cabinet, Committees and Other Bodies**

### **(a) Council Budget and Setting of the Council Tax for 2024/25 (Pages 17 - 54)**

Report of the Chief Finance Officer and the Cabinet Member for Finance and Assets 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
- Council Tax Discounts and Premiums 2024-25

**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 55 - 190)**

Report of the Cabinet Member for Community Wellbeing on behalf the meeting of Cabinet on 7 December 2023.

- (c) **Re-imagining Lewes District: Delivering the Vision 2024 - 2028** (Pages 191 - 208)

Report of the Cabinet Member for Finance and Assets on behalf the meeting of Cabinet on 1 February 2024.

- (d) **Approval of Licensing Fees 2024/2025** (Pages 209 - 232)

Report of the Chair of the Licensing Committee on behalf of the Committee, referred from the meeting of Licensing Committee held on 14 December 2023.

**11 Members' Allowances Scheme - Report of the Independent Remuneration Panel (IRP)** (Pages 233 - 288)

Report of the Head of Democratic Services (and Monitoring Officer).

**12 Notices of motion.**

- (a) **Motion - Support for Zane's Law** (Pages 289 - 290)

Submitted by Councillor Makepeace.

- (b) **Motion - Giving Children the Best Start in Life** (Pages 291 - 292)

Submitted by Councillor MacCleary.

**13 Calendar of Meetings 2024-25** (Pages 293 - 294)

To agree the proposed 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.

**14 Written questions from Councillors**

To deal with written questions which councillors may wish to put to the Chair of the Council, a Lead Councillor on the Cabinet or the Chair of any committee or sub-committee in accordance with Council Procedure Rule 12 (if any).

**15 Questions to the Leader of the Council**

To deal with questions (if any) which councillors may wish to put to the Leader of the Council. It will be at the Leader's discretion to re-direct questions to relevant Members of the Cabinet. A councillor wishing to raise a question must notify the Chair of the Council of the text of the question prior to the commencement of the meeting. (NB This item is limited to a maximum of 5 questions, with no more than 1 question being asked per councillor. If a question requires a detailed or technical response, the Leader may decide that a written response is more appropriate).

## 16 Ward issues

To deal with ward issues which councillors wish to raise (if any).

## 17 Reporting back on meetings of outside bodies (Pages 295 - 302)

To receive any reports from the Council's representatives who serve on outside bodies in respect of meetings they have attended.

## 18 Date of Next Meeting

The next meeting is scheduled for 20 May 2024.



**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. 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 is being webcast and 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 the agenda) for the relevant deadline for registering to speak on a matter which is listed on the agenda, if applicable.

## Information for Councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

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

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

**Councillor right of address:** A member of the Council may ask the Chair, the Leader, a Cabinet member, the Chair of any committee or sub-committee, or a member of the Council to any external body or joint authority a question on any matter in relation to which the Council has powers of duties of which affects the district.

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

## Democratic Services

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

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

**Telephone:** 01323 410000

**Council website:** <https://www.lewes-eastbourne.gov.uk/>

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## Full Council

**Minutes of meeting held in Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 20 November 2023 at 6.00 pm.**

### **Present:**

Councillor Ian Alexander (Chairman).

Councillors Lesley Boniface (Vice-Chair), Graham Amy, Lucy Agace, Janet Baah, Christina Bristow, Julie Carr, Ciarron Clarkson, Roy Clay, Graham Clews, Ezra Cohen, Chris Collier, Johnny Denis, Nikki Fabry, Becky Francomb, Stephen Gauntlett, Freddie Hoareau, Olivia Honeyman, Charlotte Keenan, Paul Keene, Nick Kortalla-Bird, James MacCleary, Sean MacLeod, Imogen Makepeace, Wendy Maples, James Meek, Paul Mellor, Zoe Nicholson, Emily O'Brien, Laurence O'Connor, Joa Saunders, Isobel Sharkey, Mark Slater, Stella Spiteri and Daniel Stewart-Roberts.

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Simon Russell (Head of Democratic Services and Monitoring Officer), Kate Slattery (Head of Legal Services), Sarah Lawrence (Committee Team Manager), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Leigh Palmer (Head of Planning First) and Jennifer Norman (Committee Officer, Democratic Services).

### **47 Minutes of the meeting held on 25 September 2023**

**RESOLVED** – That the minutes of the meeting held on 25 September 2023 were approved and signed as a correct record.

### **48 Minute of Silence**

The Council held a minutes silence at the start of the meeting for the tragic conflict that was taking place in Gaza and Israel and for the loss of life on both sides.

### **49 Apologies for absence**

Apologies for absence were received from Councillors Brett, Coupland, Davies, Gallagher, von Kurthy and Robinson.

### **50 Declarations of interest**

There were no declarations of interests on this item.

### **51 Announcements**

The Chair drew attention of the Council to the list of his engagements since the

last Council meeting. There were no other announcements.

**52 Urgent items**

There was no urgent items.

**53 Questions from members of the public**

There were no questions from members of the public.

**54 Petitions**

There were no petitions to be presented to the Council.

**55 Urgent decisions taken by the Cabinet or Cabinet members**

There were no urgent decisions by the Cabinet to be reported.

**56 Code of Conduct Matter**

The Chair advised that following completion of a Code of Conduct investigation in relation to a social media post made in March 2023, Councillor Macleod had accepted in full the conclusions of an investigation and the decision of the Monitoring Officer on the matter and would issue an apology at this meeting, but that this was not a matter for debate by Full council.

Councillor Macleod read out a statement, apologising for his actions and any hurt or distress caused by them, and confirmed that he had undertaken training.

(Councillor Macleod left the meeting at the end of this agenda item).

**57 Recommendations from Cabinet, Committees and Other Bodies**

**57a Updated and Aligned Scheme of Delegation to Officers**

Councillor Collier moved and Councillor Gauntlett 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 Collier 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, and in particular to Oliver Dixon (Lawyer and Data Protection Officer) for his work on the scheme.

The recommendations were put to a vote and carried unanimously.

**RESOLVED –**

- (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.



**57b Lewes Local Plan - Preferred Options and Policies Directions**

Councillor Collier moved and Councillor Keenan seconded the recommendations of the Cabinet of 9 November, subject to an amendment to Policy E3: Newhaven Port, as set out in an agenda supplement, to go out to consultation.

The Council debated the matter. It was recognised that there were some difficult decisions to make, and some of the options that were technically feasible may not make sense or be viable for local communities, and as part of the consultation it was important for the Council to hear from as many people as possible, from residents, local organisations and from businesses. Councillor O'Connor thanked the Planning Policy Team for its work on the documents to date.

The recommendations were put to a vote and carried unanimously.

**RESOLVED:**

(1) To approve the Local Plan Regulation 18: Towards a spatial strategy and policies directions document, as set out in report Appendix 1 (as amended by the agenda supplement in relation to Policy E3), together with the supporting documents for public consultation in accordance with the regulations and the Local Development Scheme; and

(2) To agree delegated authority to the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning and Infrastructure to make any minor changes to the appearance, format and text of the Local Plan and supporting documents in the interests

**57c Housing Benefit War Pensions and Armed Forces Compensation Policy**

Councillor Nicholson moved and Councillor Stewart-Roberts (as Armed Forces Champion) seconded the recommendations of the Cabinet held of 9 November 2023 in relation to disregarding, in the assessment of Housing Benefit, War Pension and Armed Forces Compensation income above the statutory disregard.

It was recognised that this was a practice that had already been in place for the Council, but had not been set out in policy, and this formalisation was welcomed.

The recommendations were put to a vote and carried unanimously.

**RESOLVED:** To agree the disregarding in full of War Pensions income and the Armed Forces Compensation income in the assessment of Housing Benefit.

**58 Polling Districts and Polling Places Review**

Councillor Collier moved and Councillor MacCleary seconded the recommendations of the Head of Elections and Local Land Charges to approve the arrangements in respect of polling districts and polling places in the District

of Lewes.

It was recognised that this was part of a regularly review of polling arrangements. Councillor Collier in moving the report extended his thanks to Tracey Pannett (Head of Elections and Local Land Charges) and her team for carrying out the consultation.

The recommendations were put to a vote and carried unanimously.

**RESOLVED:**

- (1) That the Acting Returning Officer's proposals as set out in the report be approved; and
- (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.

**59 Notices of motion.**

**59a Motion for the Ocean**

Councillor Francomb moved and Councillor Fabry seconded a motion as set out on the agenda, 'Motion for the Ocean'.

It was highlighted that the motion was the fifth in a series of water quality motions passed by Lewes District Council, and this was based on the LGA model coastal special interest group for a holistic approach to ocean recovery. It was noted that there were fourteen and a half km of coastline in the district and approximately half of the residents of Lewes District lived in coastal town areas, but that it had an impact the quality of life of all residents.

The motion was debated and received support from across the Council. It was hoped that a methodology could be found to measure the impact of the actions contained in the recommendations.

The motion was put to a vote and approved unanimously.

**RESOLVED –**

That this Council declares an urgent need for Ocean Recovery and pledges to:

1. To ensure that key strategies, including the Council's Climate and Nature Strategy, puts ocean-based and nature-based solutions at the heart of a carbon neutral and climate resilient future.
2. Ensure that local planning seeks to support ocean recovery by focusing on green and blue infrastructure for nature recovery across the local plan area, working with partners including East Sussex County Council and Sussex Wildlife Trust.
3. Work with partners to deliver increased sustainability in marine industries and develop a sustainable and equitable 'blue economy' that

delivers ocean recovery and local prosperity, including East Sussex County Council, Sussex Bay, The Living Coast, the local fishing industry, the Reimagining Newhaven Board overseeing the 'Capturing the value of the catch' project, Sussex IFCA and the Marine Management Organisation.

4. Work with Sussex College group to continue to build on its work embedding sustainable marine and maritime training at the heart of training provision as well as with technical / apprenticeship training providers where appropriate and increase understanding in the role our oceans and rivers can play in sequestering carbon.
5. Promote opportunities to grow ocean literacy and marine citizenship in our district, including via our website and social media, and seek to promote sustainable and equitable access to the sea for all residents.
6. That the Leader writes to the Government asking it to seek to put the ocean into net recovery by 2030 by:
  - a) Ensuring Inshore Fisheries and Conservation Authorities have the resources they need to effectively research and monitor our growing number of marine protected areas, and to set and enforce appropriate fishing levels that support local economies and deliver environmental sustainability.
  - b) Working with coastal, estuarine and maritime communities to co-develop marine policy to ensure it delivers equitable and sustainable outcomes in local placemaking.
  - c) Appointing a dedicated Minister for the Coast.
  - d) Embedding 'ocean and civic literacy' into the national curriculum.
  - e) Stopping plastic pollution at source by strengthening the regulations around single-use plastics and set standards for microfibre-catching filters to ensure that all new domestic and commercial washing machines are fitted with a filter that captures a high percentage of microfibres produced in the wash cycle and support the solutions needed to address the threat posed by historic coastal landfill sites.
  - f) Improving the water quality of our rivers, estuarine and coastal waters leading to the ocean to benefit nature and the health and wellbeing of all UK residents, including by stopping the regular pollution of our rivers and seas.
  - g) Optimise the potential to gain multiple benefits from coastal ecosystems including tidal marshes and seagrass meadows, and use marine ecosystems to absorb and sequester

greenhouse gases through the carbon cycle.

- h) Optimise the potential to develop off-shore wind farms and marine renewable energy (hydrokinetic energy) in harmony with the natural environment; and.
- i) By listening to marine and social scientific advice to update the Marine Policy Statement and produce a national Ocean Recovery Strategy which will:
  - i. Enable the recovery of marine ecosystems rather than managing degraded or altered habitats in their reduced state.
  - ii. Consider levelling up, marine conservation, energy, industrial growth, flood and coastal erosion risk management, climate adaptation and fisheries policy holistically rather than as competing interests.
  - iii. Develop a smarter approach to managing the health of the entire ocean that moves beyond Marine Protected Areas and enables links to be made across sectors towards sustainability.
  - iv. Establish improved processes for understanding the benefits of ocean recovery, leaving no doubt the links between this and human lives, livelihoods, and wellbeing.

## **60 Motion on Puppy Farms**

Councillor Hoareau moved and Councillor Bristow seconded a motion as set out on the agenda against Puppy Farms.

It was advised that the motion had the support of Reystede Centre for Animal Welfare in Ringmer, who would welcome working with the Council, and from Dr Marc Abraham, the vet who spearheaded the Lucy's Law campaign, banning the third-party sale of puppies in the first 6 months of their life. Councillor Hoareau and Councillor Bristow read out comments from Dr Abraham and from the Reystede Centre.

The motion was debated and received support from across the Council. It was recognised that puppy farms were often connected to serious crime networks, and that there was illegal trade involving other animals, such as kittens.

The motion was put to a vote and approved unanimously.

### **RESOLVED:**

1. To publish an up to date list of locally licensed dog breeders on its website so local residents who wish to buy a puppy are signposted to reputable

breeders;

2. To publish a list of DEFRA-registered local animal rescue and rehoming centres so that prospective adopters are signposted to reputable rehoming centres in the District;
3. To promote publicity campaigns to raise awareness of illegal puppy breeding and signs to look for when buying a puppy that suggest it might come from a puppy farm, and how to report suspicious activity, and promote guidance on how to buy a puppy responsibly; and
4. To request the Leader to write to the Secretary of State for Environment, Food and Rural Affairs calling for the Kept Animals Bill to be revived to make it more difficult for puppy farmers and smugglers to operate.

#### **61 Written questions from Councillors**

No written questions from Councillors had been received.

#### **62 Questions to the Leader of the Council**

There were no questions to the Leader.

#### **63 Ward issues**

No ward issues had been raised.

#### **64 Reporting back on meetings of outside bodies**

The following reports had been received on outside bodies set out in the agenda and were noted:

- Wave Leisure Trust – Councillor O'Connor
- Lewes Citizens Advice Bureau – Councillor Makepeace
- Greater Brighton Economic Board – Councillor Nicholson
- Team East Sussex (TES) – Councillor Nicholson
- Newhaven Town Deal Board – Councillors Nicholson and Robinson
- South Downs National Park Authority and Armed Forces Champion - Councillor Stewart-Roberts
- Water Champion – Councillor O'Brien,
- Upper Ouse Flood Protection and Water Retention Works Working Group – Councillor O'Brien
- Lewes District Food Partnership Steering Group and Food Summit – Councillor O'Brien
- Ouse Valley Climate Action Delivery Board – Councillor O'Brien

The Chair advised that an updated report would be circulated after the meeting (this would include an update from Councillor Denis on South East Councils).

**65 Date of Next Meeting**

It was confirmed that the next meeting of the Full Council was scheduled for 19 February 2024 at 6 pm.

The meeting ended at 6.52 pm

Councillor Ian Alexander (Chairman)

# Agenda Item 4

## Lewes District Council



Southover House  
Southover Road  
Lewes  
East Sussex BN7 1AB

Civic & Member Services Officer: 01273 085030

**CHAIR Councillor Ian Alexander**

**VICE-CHAIR**  
**Councillor Lesley Boniface**

[caroline.hanlon@lewes-eastbourne.gov.uk](mailto:caroline.hanlon@lewes-eastbourne.gov.uk)

### Chair's Engagements 20 November 2023 – 19 February 2024

Date	Time	Event
Saturday 2nd December	7pm	Chair and Consort: To attend Peacehaven Players performance of 'Alice in Pantoland' at the Meridian Centre, Peacehaven
Sunday 3 December	3pm	Chair and Consort: To attend the HOMELINK Christmas Concert by the Ashdown Singers at St Thomas More Church, Seaford followed by mince pies and tea/coffee in the church hall
Thursday 7 December	5pm – 6pm	Chair and Consort: To join the Mayor of Lewes for drinks and mince pies to celebrate the Lewes Town Hall Christmas Lights switch on at Lewes Town Hall
Thursday 7 December	5.30pm – 8pm	Chair and Consort: To host the Santa's Grotto for Lewes Late Night Shopping at Lewes House, Lewes
Saturday 9 December	3pm	Chair and Consort: To attend the St John Sussex Carol Service at St Mary de Haura Church, Shoreham followed by refreshments at the Shoreham Centre
Monday 11 December	7pm	Chair: To attend the Mayor of Lewes's Civic Carol Service at St Annes Parish Church, Lewes

Tuesday 12 December	6.45pm	Chair and Consort: To attend the One Voice Festival of Singing hosted by Create Music at Glyndebourne
Thursday 25 January	5pm – 6pm	Chair: To attend the Launch of Lewes Holocaust Memorial Day, Lewes Town Hall Council Chamber
Saturday 27 January	2.30pm	Chair: To attend the Lewes Holocaust Memorial Day event, 'Never Again: Holocaust Lessons for Forgetful Times' at Trinity St John Sub Castro, Lewes



**Meeting:** FULL COUNCIL

**Date:** Monday 19 February 2024

**Subject:** COUNCIL BUDGET AND SETTING OF THE COUNCIL TAX FOR 2024/25

**Report of:** Councillor Zoe Nicholson (Leader and Portfolio Holder for Finance and Assets)

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The Council is asked to consider the reports to Cabinet and also the Cabinet minutes and resolutions from the meeting held on 1 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 on the Council's website for public inspection purposes.

The reports may also be viewed on the Council's website at:

<https://democracy.lewes-eastbourne.gov.uk/mgChooseDocPack.aspx?ID=3786>

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 budgets approved by the 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	
	£	%	£	£	%
<b>Lewes District Council:</b>					
Council Tax Requirement (incl Special Expenses*)	8,793,451	9.11%	<b>228.17</b>	6.62	2.99%
Town and Parish Councils	5,264,274	5.46%	<b>136.60</b>	8.06	6.27%
<b>Total Lewes District Council</b>	<b>14,057,725</b>	<b>14.57%</b>	<b>364.77</b>	<b>14.68</b>	<b>4.19%</b>
East Sussex County Council	68,533,044	71.03%	<b>1,778.31</b>	84.51	4.99%
The Police and Crime Commissioner for Sussex	9,746,721	10.10%	<b>252.91</b>	13.00	5.42%
East Sussex Fire Authority	4,142,482	4.29%	<b>107.49</b>	3.12	2.99%
<b>Total</b>	<b>96,479,973</b>	<b>100.00%</b>	<b>2,503.48</b>	<b>115.31</b>	<b>4.83%</b>
*Special Expenses					
Council Tax to be levied on all LDC taxpayers	8,088,863	-	209.89	5.79	2.84%
Less Total amount to be charged as Special Expenses	704,588	-	18.28	0.83	4.76%
<b>LDC Council Tax Requirement</b>	<b>8,793,451</b>		<b>228.17</b>	<b>6.62</b>	<b>2.99%</b>

The Council has adopted a system of 'Special Expenses' in respect of the cost of General Fund Open Spaces. In setting the basic amount of the Council Tax for 2024/25, it is necessary for the Council to determine the costs which are to be its Special Expenses for the year, with all other costs being charged as its 'General Expenses'.

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

#### Recommendations:

1. To approve the recommendations as detailed in the reports from the Chief Finance Officer to Cabinet on 1 February 2024 as summarised below:
  - (i) To approve the General Fund budget for 2023/24 (Revised) and 2024/25. An increase in the Council Tax for Lewes District Council of 2.99% (including Special Expenses) resulting in a total Band D charge for of £228.17 for 2024/25.
  - (ii) To approve the revised General Fund capital programme 2024/25.
  - (iii) To note the Section 151 Officer's sign off as outlined in the Cabinet Report and at Appendix 1.
  - (iv) To approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25.
  - (v) To approve the Minimum Revenue Provision Policy Statement for 2024/25.
  - (vi) To approve the Prudential and Treasury Indicators for 2024/25 to 2026/2.
  - (vii) To approve the Capital Strategy.
  - (viii) To endorse the continuation of the Flexible use of Capital Receipts.

- (ix) 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:
- That social and affordable rents (including Shared Ownership) be increased by 7.7% in line with Government policy with effect from 1st April 2024.
  - To agree that, with effect from 1st April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent with effect from 1st April 2024.
  - That the revised service charges are implemented with effect from 1st April 2024
  - That garage rents are increased by 6.7%.
- (x) To approve the Council Tax Discount & Premiums from 1 April 2024 & 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 remains unchanged.
  3. That it be noted, that since the Cabinet meeting on 1 February the Business Rates return to the Government (NNDR1) has been finalised with no changes to the previous net budget assumptions.
  4. That the expenses incurred by the Council set out below be approved as Special Expenses chargeable to the residents of each of the Town/Parish areas indicated and that any other expenses (excluding local precepts) incurred by the Council be approved as general expenditure for the purposes of Section 35 of the Local Government Finance Act 1992.

Town/Parish Area	Special Expense 2024/25 £
Lewes	377,053
Newhaven	148,350
Telscombe	63,465
Seaford	64,443
Peacehaven	45,198
Chailey	1,226
Ringmer	4,853
<b>Total</b>	<b>704,588</b>

5. That consequent upon a General Fund budget of £8,793,451 and other matters, the basic amount (Band D) of Council Tax for the District Council's functions will be £228.77 calculated as follows:

	<b>General Expenses only</b>	<b>Total (Including Special Expenses)</b>
	£000's	£000's
<b>Gross Expenditure:</b>		
General Fund	54,161	
HRA	21,582	
Business Rates payable to Government	11,160	
Contributions to Reserves	110	
	87,012	87,012
Special expenses		705
<b>Less Income:</b>		
Service Income	(59,841)	
Other Government Grants	(6,152)	
Business Rates Income	(12,841)	
Collection Fund Surplus (Council Tax)	(91)	
	(78,925)	(78,925)
<b>COUNCIL TAX REQUIREMENT</b>	<b>8,087</b>	<b>8,792</b>
<b>Band D Council Tax</b>	<b>£209.89</b>	<b>£228.17</b>

The statutory resolutions relating to this matter are given at paragraphs 6 and 7 below.

6. That it be noted that at its meeting on 2 February 2023 Cabinet approved the following calculations for the year 2023/24, being made in accordance with regulations made under Sections 31(B)(4) and 34(4) of the Local Government Act 1992, as amended:
- a) 38,538.3 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of the Council Tax Base) Regulations 1992, as amended, as its Council Tax Base for the year) Item T in the formula in Section 31B of the Local Government Finance Act 1992).
  - b) The amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as amended, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate can be found in Appendix 2 – Table A.

7. That the following amounts be now calculated by the Council for the year 2023/24 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:
- (a) £92,981,329 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
  - (b) £78,923,604 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
  - (c) £14,057,725 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) £364.77 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).
  - (e) £5,968,862 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
  - (f) £209.89 being the amount at 6(d) above less the result given by dividing the amount at 6(e) above by the amount at 4(a) above (Item T), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates,
  - (g) Table C in Appendix 2 being the amounts given by adding the amount at 7(c) above, the amounts of the special items or items relating to dwelling in those parts of the Council's area mentioned above divided in each case by the amount at Table A (Appendix 2) for each area, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.
  - (h) Table D in Appendix 2 being the amounts given by multiplying the amounts at 7(g) (Appendix 2 – Table C) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

8. To note that East Sussex County Council, East Sussex Fire Authority and Sussex Police and Crime Commissioner 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 Table E in Appendix 2.
9. That having calculated the aggregate in each case of the amounts at 6 and 7 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts as set out in Table F in Appendix 2, the amounts of Council Tax for the year 2024/25 for each of the categories of dwellings as shown in Table F (Appendix 2).
10. To 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 (and increase) of Council Tax for 2024/25 is excessive (as set out in Table G – Appendix 2) and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

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For a copy of the report please contact Democratic Services, Telephone (01323) 415023, Email: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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### **Appendices:**

Appendix 1 - Section 25 Statement of the Chief Finance Officer.

Appendix 2 – LDC Council Tax Tables 2024/25

Appendix 3 - Cabinet Minute Extract, 1 February 2024, General Fund Budget 2024/25 and Capital Programme.

Appendix 4 – Cabinet Minute Extract, 1 February 2024, Treasury Management and Prudential Indicators 2024/25, Capital Strategy and Investment Strategy.

Appendix 5 – Cabinet Minute Extract, 1 February 2024, Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024/25 and HRA Capital Programme 2023-26.

Appendix 6 – Cabinet Minute Extract, 7 December 2023, Council Tax Discounts & Premiums 2024-25

## **Section 25 – Statement of the Section 151 Officer**

### **1. Introduction**

1.1. The Chief Financial Officer is required to make a statement on the adequacy of reserves and the robustness of the budget. This is a statutory duty under Section 25 of the 2003 Local Government Act which states the following:

a) Where an authority to which Section 32 or 43 of the Local Government Finance Act 1992 (billing or major precepting authority) or Section 85 of the Greater London Authority Act 1999 (c.29) (Great London Authority) applies is making calculations in accordance with that section, the Chief Finance Officer of the authority must report to it on the following matters:

- The robustness of the estimates made for the purposes of the calculations, and
- The adequacy of the proposed financial reserves.

b) An authority to which a report under this section is made shall have regard to the report when making decisions about the calculations in connection with which it is made. This includes reporting and considering:

- The key assumptions in the proposed budget and to give a view on the robustness of those assumptions.
- The key risk areas in the budget and to assess the adequacy of the Council's reserves when reviewing the potential financial impact of these risk areas on the finances of the Council. This should be accompanied by a Reserves Strategy.

1.2. CIPFA published a new Financial Management (FM) Code in October 2019. One of the 17 standards included in the new Code is 'the budget report includes a statement by the chief financial officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves.' The first full year of compliance with the new FM Code was 2021/22. This is a good practice approach that the Council will follow, and the statement is updated in light of the prevailing circumstances and assessment of relevant risks each financial year.

1.3. This statement must be considered and approved by full Council as part of the budget approval and Council Tax setting process.

1.4. This document concentrates on the General Fund budget, the Housing Revenue Account and Capital Investment Programme, but in addition it also considers key medium-term issues faced by the Council.

1.5. The importance of this overall approach and need for prudent and realistic levels of reserves and provisions was brought sharply into focus by firstly the impact of cost of living pressures on both the finances and operations as well

as the further implications of the general health of global and more specifically UK economy on the Local Government Sector throughout the MTFS period.

## 2. Assurance Statement of the Council's Section 151 Officer

2.1. The following are the summary assurances and recommendations of the Council's Section 151 Officer (currently Director of Finance & Performance and the Chief Finance Officer). They must be read in conjunction with the supporting statement in this Appendix, which together make up the Section 151 Officer's statutory duty to report under Section 25 of the Local Government Act 2003.

2.2. In relation to the 2024/25 General Fund Revenue budget, I have examined the budget proposals and I believe that, whilst the spending and service delivery proposals are challenging and to some degree uncertain, they are nevertheless achievable given the political and management commitment to control cost and stay within their approved budgets. **Good management and the sound monitoring of performance and budgets will be essential.** I am satisfied that sufficient management processes exist within the Council to deliver this budget and to identify and deal with any problems which may arise unexpectedly during the year.

2.3. The key process risks in making the above statement are the level of resources within the Council dedicated to providing financial support services and advice to managers, which will need the finance teams to be focused on key risk budgets.

2.4. My recommendations are also conditional upon:

a) The Council continuing to assess, learn, report, and respond appropriately to the existing and emerging financial pressures across all aspects of its operations but in particular its locally generated income from fees and commercial portfolio.

b) The Council approving the updated Medium Term Financial Strategy for 2024/25 to 2027/28

c) A recognition in the medium-term planning approach that **the level of reserves and corporate risk assessment need to be regularly reviewed** in the light of changing circumstances and that it may not be possible to match the two at any single point in time. **The Council needs to show a commitment to maintain reserves at a level which provides adequate cover for most identified risks during the planning period.** This approach is pragmatic and shows a clear commitment to prudent contingency planning.

d) It must be noted, however, that the recommended levels of reserves could still leave the Council exposed to the very exceptional risks identified in this



review and, if all those risks crystallised at the same time, then the total level of reserves could be inadequate.

e) Cabinet Members, Chief Executive, Strategic Directors and managers **not exceeding their cash limits for 2024/25** (and future years covered by the Medium-Term Financial Strategy).

f) Taking every opportunity to meet the Reserves Policy as a first call on outturn underspends.

g) Not considering further calls on reserves other than for those risks that have been identified, those that could not have been reasonably foreseen and that cannot be dealt with through management or policy actions. The exception to this is where the Reserves Policy (introduced in Sept 2021) is met. Even in those circumstances, it is not prudent to finance ongoing spending from one-off reserves.

2.5. Any excess reserves should be targeted towards business transformation (including redundancies and invest to save initiatives), key services particularly housing need, environmental services, contributions to support asset maintenance, Local Government funding changes and the impacts of significant changes in national policy.

h) Where there is a draw-down on reserves, which causes the approved Reserves Policy to be off target, that this is **replenished as part of a revised Medium Term Financial Strategy**.

i) That the Council has arrangements and resources in place to consider and assess value for money across the delivery of all its services and operations in preparation for future years' budgets.

2.6. In relation to the adequacy of reserves, I recommend the following Reserves Policy based on internal financial risk assessment. The Reserves Policy is reviewed annually and adjusted in the light of the prevailing circumstances.

a) An absolute minimum level of unallocated General Fund reserves of £2m is maintained throughout the period between 2024/25 to 2027/28.

b) An optimal level of unallocated General Fund reserves of £4m over the period 2024/25 to 2027/28 to cover the absolute minimum level of reserves, in-year risks, cash flow needs and unforeseen circumstances.

c) A maximum recommended level of unallocated General Fund reserves of £5m for the period 2024/25 to 2027/28 to provide additional resilience to implement the Medium-Term Financial Strategy.

d) To remain within the recommended level of reserves over the relevant period of 2024/25 to 2027/28.

2.7. The estimated level of unallocated General Fund reserves at 31 March 2024, based on current projections is £3.88m depending on the final outturn position. Therefore:

- a) The absolute minimum level of reserves of £2m is currently being achieved.
- b) The optimal level of reserves of £4m criteria is being achieved for 2024/25, if departments spend against revised budget as currently projected.
- c) The maximum level of unallocated reserves of £5m is not being exceeded.
- d) Reserves should remain within the recommended range of reserves during 2024/25. This is subject to the cash limited budget for 2024/25 being met.

2.8. These recommendations are made based on:

- a) The risks identified by the Chief Executive and Strategic Directors reviews of their budgets.
- b) My own enquiries during the development of the current budget proposals.
- c) The resilience and sustainability required to deliver the Medium-Term Financial Strategy.
- d) One-off unallocated reserves not being used to fund new on-going commitments.
- e) That the reserves in 2024/25 and the foreseeable future are used only if risks materialise and cannot be contained by management or policy actions.
- f) That where reserves are drawn down, the level of reserves is maintained in line with the latest Medium-Term Financial Strategy.

2.9. There are also serious exceptional risks which, if they crystallise, could significantly impact the Council's reserves, and leave its financial standing seriously in question. These include:

- a) The potential for unforeseen Council owned infrastructure issues.
- b) The provision for pay awards to be kept under review in view of the rising inflationary costs, strike actions and pay demands in 2024/25.
- c) The Waste Management is one of the largest areas of expenditure for the Council where there is a considerable volatility, new legislative and environmental requirements, which will potentially add extra risks and costs nationally in the market, any implications for the Council will be considered by the Cabinet in due time.
- d) The financial implications from the Care Act, adult social care and other welfare reform changes or other associated Housing legislation.
- e) The risk surrounding the non-delivery of savings and exceeding investment proposals within the MTFS assumptions.
- f) The financial uncertainty for the public sector arising from the prevailing and continuing national and local conditions.
- g) The risk of further significant reductions in income and Government grant funding, particularly in relation to:

- Growth and decline in the Council's Tax base and Business Rates base.
- Business Rates appeals from the 2017 revaluation.
- The Local Council Tax Support Scheme with reduction in subsidy funding and no protection for caseload increases.
- Further changes to the way in which Local Government is financed given the Government's intended Local Government reform in 2022/23 as part of its 'Levelling Up' agenda and potential redistribution of existing funding levels to other local authority areas from 2023/24.
- Future Government changes in policy and funding for Local Government, particularly the unknown impact of the next Spending Round in 2024.
- The need to address the Country's ongoing Public Sector pay and strike actions.
- The need to address the Country's ongoing Public Sector Borrowing Requirement (PSBR) and the structural financial deficit.
- The ongoing impact of the Ukraine Russia conflict and the recent Middle Eastern crisis on global and UK economy.

i) Insurance Claims.

## **Housing Revenue Account**

2.10. In relation to the Housing Revenue Account (HRA) in 2024/25 and the medium to long term:

- a) Given the current status of housing management provision the recommendation is that general reserves be maintained within the at the target figure of £2.3m.
- b) A 2024/25 budget has been formulated to maintain a balanced HRA.
- c) Forward projections for the HRA beyond 2024/25 are being remodelled following the introduction of a rent cap of 7.7%.
- d) In addition, this is linked to the HRA's own Medium Term Financial Strategy for the period 2024/25 to 2027/28.

2.11. The current position demonstrates that it is possible to:

- Maintain a balanced HRA throughout that 2024/25.
- Meet current level of capital investment, and
- Meet the revenue cost of required debt.

2.12. **Capital Investment Programme 2023/24 to 2027/28** (including commitments from previous years and new starts):

a) The HRA Capital Programme will need to be contained within the total programme cost.

b) The General Fund Capital Budget is considerable and is based on the best information available in terms of project costs. What is less certain is the actual phasing of expenditure and any material increases in the costs caused by the supply and labour shortage.

c) The key strategic schemes identified in the Capital Investment Programme will be closely monitored in-year.

d) That the funding identified for the approved Capital Investment Programme is delivered and is proportionate, prudent, affordable, and sustainable.

2.13. In relation to the medium to long term Capital Investment Programme:

a) The delivery of the agreed Capital Strategy and Asset Management Plan is a critical priority to enable the matching of resources to needs and priorities.

### **Assurance**

2.14. Given all these factors, I, as the Council's Section 151 Officer, consider the estimates for 2024/25 to be sufficiently robust and recommend for approval by the Council. I am also able to advise the Council that the level of General Fund Reserves is adequate and to recommend a Reserves Strategy which is achievable for 2024/25.

## **3. Supporting Statement**

### **3.1. Process**

3.1.1. Budget estimates are exactly that – estimates of spending and income made at a point in time and which will change as circumstances change. **This statement about the robustness of estimates cannot give a 100% guarantee about the budget but gives Members reasonable assurance that the budget has been based on the best information and assumptions available at the time.**

3.1.2. To meet the requirement on the robustness of estimates several key processes have been put in place, including:

a) The issuing of clear guidance to Services on preparing budgets.

b) The development of a Council wide risk assessment.

c) The use of extensive budget monitoring and its escalation process to identify risks.

d) The Council's S151 Officer providing advice throughout the process of budget preparation and budget monitoring.

e) The Chief Executive and Strategic Directors review of their budgets and appropriate sensitivity analysis.

f) A review of all budget proposals and implications by Corporate Management Team (CMT) from September 2023 to January 2024.

g) A review of budget proposals and implications by Cabinet Members from November 2023 to January 2024.

h) Enquiries made directly by the Section 151 Officer and Finance Officers.

3.1.3. Notwithstanding these arrangements, which are designed to rigorously test the budget throughout its various stages of development, **considerable reliance is placed on the Chief Executive, Strategic Directors and Senior Managers having proper arrangements in place to identify issues, project costs, service demands, income levels, to consider value for money and efficiency, and to implement changes in their service plans.** These arrangements are supported by appropriately qualified financial staff.

3.1.4. A summary of the key budget assumptions considered by Services and financial staff in terms of assessing the robustness of their budgets are shown below:

a) The treatment of inflation and interest rates.

b) The treatment of demand led pressures.

c) The treatment of efficiency savings/productivity gains.

d) The financial risks inherent in any significant new funding partnerships, major outsourcing deals, or major capital developments.

e) The availability of other funds to deal with major contingencies.

f) The Service's track record in budget and financial management.

g) The Service's capacity to manage in-year budget pressures.

3.1.5. The full key budget assumptions and comments by the Chief Executive and Strategic Directors have been used in constructing all budget proposals.

3.1.6. Corporate and service processes are under continuous review and improvement. Over the last few years there has been a sustained emphasis on a robust scheme of budget monitoring with an improved reporting format to Cabinet and Members since 2020/21, which will be further improved in 2024/25. Additionally, the regular review and monitoring of the annual budget savings that was introduced by the Chief Finance Officer will continue in 2024/25.

3.1.7. There are also plans in place for the continuous improvement and development of the financial systems. This will strengthen the authority's capacity and ability to monitor more effectively the overall budget. Continual improvement in these processes will also assist in the prevention or at least the earlier identification of issues to be dealt with in the budget and Medium-Term Financial Strategy and allow for any in-year rebalancing to be undertaken as soon as possible if required. Nevertheless, in preparing a comprehensive budget for such a complex Organisation, unforeseen issues will undoubtedly still arise throughout the year and in the future.

### **3.2. Robustness of Estimates - General Fund Revenue Budget**

3.2.1. The 2024/25 budget and the Council's Corporate Plan set out the roadmap to target our financial resources to delivering better outcomes and effectively manage risks. In addition to improving efficiency, there are clearly choices for the Council in this respect:

- a) To increase financial resources to meet demand and reduce risk, and/or
- b) To reduce (where possible) service levels and standards, frequency of service delivery, and eligibility for services.

3.2.2. As part of developing the budget, Members of the administration have considered these options, and the outcome of these deliberations are reflected in the proposed overall budget package.

3.2.3. Most notably **the Council has had to address major cost increases** and pressures as well as corporate priorities including:

- a) Employee costs.
- b) Demand led costs.
- c) The cost of capital financing within the capital programme.
- d) Shortfalls in income and grant income.
- e) Inflation.

3.2.4. The factors and risks considered in developing the proposed budget and recommendations on reserves are contained in each of the Strategic Director's proposals surrounding their Service budget.

3.2.5. These assumptions will require the forecasts for future years to be reviewed early in each financial year leading to more detailed budgets during the autumn of each financial year.

### **3.3. Financial Sustainability Strategy**

3.3.1. The Council has previously developed a high-level medium-term strategy that is designed to frame its financial future and intentions. This strategy helps set the context for the annual budget, guide the Council's approach to maximising resources, prioritising investment, and the effective targeting of resources to deliver the ambitions and outcomes contained within the corporate plan.

3.3.2. Its primary purpose is to outline the Council's approach, desire, and commitment to achieving financial sustainability by embracing the area's economic potential, growing our local tax base and increase sustainable income capabilities.

3.3.3. Given the unprecedented circumstances and challenges caused by COVID-19 in 2020/21 and 2021/22, exasperated by Brexit and followed by the sharp rises in inflation during 2022/23 and continuing into 2024/25, the Council is required to reassess its key priorities on an ongoing basis.

#### **3.4. Medium Term Financial Strategy**

3.4.1. The Council needs to deliver its Medium-Term Financial Strategy reflecting the continuing impact of the proposed budget and only planned growth in relation to issues that are unavoidable. Within the current uncertain financial climate, it is very likely that service improvement and reasonable Council Tax increases, without key service reductions, will only be achieved through improving efficiency, clear prioritisation and adopting a new more commercial approach to income generation.

#### **3.5. Adequacy of Reserves – General Fund Revenue Budget**

3.5.1. Under the Local Government 2003 Act the Secretary of State has powers to set a minimum level of reserves. **The most likely use of this power is where an authority is running down its reserves against the advice of their S151 Officer.**

3.5.2. Determining the appropriate levels of reserves is not a precise science or a formula e.g. a simple percentage of the Council's budget. It is the Council's safety net for risks, unforeseen or other circumstances. **The reserves must last the lifetime of the Council** unless contributions are made from future years' revenue budgets. The minimum level of balances cannot be judged merely against the current risks facing the council as these can and will change over time.

3.5.3. Determining the appropriate levels of reserves is a professional judgement based on local circumstances including the overall budget size, risks, robustness of budget preparation, major initiatives being undertaken, budget assumptions, other earmarked reserves and provisions, and the

Council's track record in budget management. It is also a professional judgement on the external factors that influence the Council's current and future funding position.

3.5.4. The consequences of not keeping a minimum prudent level of reserves can be serious. In the event of a major problem or a series of events, the Council would run the serious risk of a deficit or of being forced to cut spending during the year in a damaging and arbitrary way.

3.5.5. The recommendation on the prudent level of reserves has been based on the robustness of estimate information and the Corporate Risk Register. In addition, the other strategic operational and financial risks considered when recommending the minimum level of unallocated General Fund reserves include:

a) There is always some degree of uncertainty over whether the full effects of any economising measures and/or service reductions will be achieved. The Strategic Directors have been requested to be prudent in their assumptions and that those assumptions, particularly about demand led budgets, will hold true in changing circumstances.

b) The Bellwin Scheme Emergency Financial Assistance to Local Authorities provides assistance in the event of an emergency. The Local Authority can claim assistance with the cost of dealing with an emergency over and above a threshold set by the Government.

c) The risk of major litigation, both current and in the future. Risks in the inter-relationship between various agencies and local authorities coupled with the responsibilities of Public Health.

e) The Local Council Tax Support Scheme with less Government funding and increases in caseload at the Council's own risk

f) Issues arising from the final Housing Benefit Subsidy Claim.

g) The localisation of Business Rates including the impact of businesses declining in the district/ borough boundaries.

h) New and impending legislation.

i) Unplanned volume increases in major demand led budgets, particularly in housing and benefit services.

j) The need to retain a general contingency to provide for some measure of unforeseen circumstances which may arise. This part of the reserves is not provided for directly but indirectly on the assumption that the financial risks identified will not all crystallise.

k) The need to retain reserves for general day-to-day cash flow needs. This is minimal given the level of cash the Council holds at any given time.



l) The potential impact nationally, regionally, and locally of new climate change initiatives and commitment to our green agenda.

m) The longer-term impact of the pandemic on the finances and operational arrangements of the Council.

n) There remains some ongoing uncertainty over the impact of Brexit.

3.5.6. Further exceptional risks identified may have a potential and serious call on reserves. The Council is advised to be cautious about these risks and commit to restoring any drawn down reserves in line with the Medium-Term Financial Strategy.

3.5.7. In these circumstances, I will require the Council, Cabinet, Chief Executive, Strategic Directors and Senior Managers:

a) To remain within their service budget for 2024/25 and within agreed medium term financial strategy parameters for future years (2025/26 to 2027/28) with a strict adherence to recovering overspends within future years' financial plan targets.

b) Repayment to reserves in line with the Medium-Term Financial Strategy should these risks materialise.

c) Direct any revenue savings/underspends to reserves should the General Fund Revenue Reserves Policy require it.

### **3.6. Estimated Earmarked General Fund Revenue Reserves**

3.6.1. I have reviewed the Council's General Fund earmarked revenue reserves. Further consideration and potential reassessment of all earmarked reserves will be undertaken considering budget decisions taken in July 2024 as part of the outturn process.

### **3.7. Estimated Earmarked Housing Revenue Account Revenue Reserves**

3.7.1. I have reviewed the Council's Housing Revenue Account earmarked revenue reserves. This is compiled mainly of a Capital Investment reserve and Major Repairs reserve.

## **Capital Investment Programme – 2023/24 to 2027/28**

### **3.8. The Capital Budget**

3.8.1. Projects, included in the capital investment programme, were prepared by Directors and managers in line with financial regulations and guidance. All projects were agreed by the relevant member of CMT and Cabinet Member and are fully funded for their estimated cost.

3.8.2. Projects have been costed at outturn prices with many subject to tender after inclusion in the programme. This may lead to variance in the final costs.

3.8.3. Services are required to work within the given cash envelope so any under or over provision must be found within these limits.

### 3.9. Capital Investment Programme Risks

3.9.1. The risk of the Council being unable to fund variations in the programme is minimal mainly due to phasing of projects. **The Council can freeze parts of the programme throughout the year to ensure spend is within the agreed financial envelope, although this may have service implications.**

3.9.2. A further key risk to the capital investment programme is the ability of the Council to fully deliver it within the agreed timescales.

3.9.3. In relation to the General Fund and HRA Capital Investment Programme specifically for 2024/25 (including commitments from previous years and new starts):

a) The HRA Capital Investment Programme will need to be contained within total programme cost by delaying or stopping specified schemes.

b) The General Fund Capital Budget is substantial but is based on the best information available in terms of project costs. What is less certain is the phasing of expenditure.

c) The strategic schemes identified in the Capital Investment Programme will be closely monitored in-year.

d) That the funding identified for the approved Capital Investment Programme is delivered and is proportionate, prudent, affordable, and sustainable.

## 4. Conclusion

4.1. Given all these factors, I, as the Council's Section 151 Officer, consider the estimates for 2024/25 to be sufficiently robust and recommend for approval by the Council. I am also able to advise the Council that the level of General Fund Reserves is adequate and to recommend a Reserves Policy which is achievable for 2024/25 – 2027/28.

Homira Javadi (CPFA, FCCA, ACCA)

Chief Finance Office (Section 151 Officer)

## COUNCIL BUDGET AND SETTING OF THE COUNCIL TAX FOR 2024/25

### Appendix 2 – Tax Tables 2024/25

TABLE A

COUNCIL TAX BASE 2024/25	
PARISH/SPECIAL EXPENSE AREA	COUNCIL TAX BASE
Barcombe	661.6
Glynde & Beddingham	190.9
Chailey	1,467.2
Ditchling	1,176.6
East Chiltington	201.1
Falmer	71.6
Firle	127.8
Hamsey	296.9
Iford	94.5
Kingston	428.4
Lewes	6,328.1
Newhaven	3,960.8
Newick	1,148.5
Peacehaven	5,044.9
Piddinghoe	130.6
Plumpton	709.6
Ringmer	2,117.6
Rodmell	208.7
St Ann Without	40.6
St John Without	27.6
Seaford	9,729.9
Southease	22.1
South Heighton	278.1
Streat	84.7
Tarring Neville	9.0
Telscombe	2,577.5
Westmeston	167.0
Wivelsfield	1,236.3
<b>Total</b>	<b>38,538.3</b>

TABLE B

## TOWN COUNCIL &amp; PARISH COUNCIL PRECEPTS AND TAX BASES 2024/25 AND PRIOR YEAR

TOWN/PARISH	2023/24			2024/25		
	COUNCIL TAX PRECEPT £	TAX BASE	BAND D COUNCIL TAX £	COUNCIL TAX PRECEPT £	TAX BASE	BAND D COUNCIL TAX £
Barcombe	33,764	646.0	52.27	34,777	661.6	52.57
Beddingham and Glynde	13,568	184.0	73.76	17,914	190.9	93.83
Chailey	79,000	1,436.7	55.84	87,621	1,467.2	60.56
Ditchling	110,893	1,143.2	97.00	119,210	1,176.6	101.32
East Chiltington	8,059	199.8	40.33	8,700	201.1	43.26
Falmer	1,000	69.7	14.35	1,000	71.6	13.97
Firle	11,000	123.4	89.17	11,500	127.8	89.97
Hamsey	18,215	294.4	61.86	19,125	296.9	64.41
Iford	49	94.4	0.52	-	94.5	0.00
Kingston	55,050	424.0	129.84	58,585	428.4	136.76
Lewes	1,363,742	6,210.5	280.30	1,462,796	6,328.1	290.74
Newhaven	595,380	3,855.6	192.90	672,430	3,960.8	207.22
Newick	68,537	1,118.7	61.26	73,000	1,148.5	63.56
Peacehaven	749,213	4,977.7	159.59	864,932	5,044.9	180.41
Piddinghoe	11,515	128.1	89.88	11,515	130.6	88.16
Plumpton	73,273	697.8	105.01	84,319	709.6	118.82
Ringmer	157,084	2,067.2	78.34	155,991	2,117.6	75.95
Rodmell	15,466	213.3	72.52	16,548	208.7	79.30
St Ann Without	-	40.2	0.00	-	40.6	0.00
St John Without	-	27.4	0.00	-	27.6	0.00
Seaford	1,061,609	9,556.3	117.83	1,101,019	9,729.9	119.78
Southeast	-	22.5	0.00	-	22.1	0.00
South Heighton	14,486	277.1	52.27	19,057	278.1	68.53
Streat	5,423	83.5	64.91	6,276	84.7	74.08
Tarring Neville	-	9.1	0.00	-	9.0	0.00
Telscombe	282,261	2,545.2	135.84	299,937	2,577.5	140.99
Westmeston	13,000	162.2	80.13	13,000	167.0	77.83
Wivelsfield	122,120	1,231.3	99.18	125,022	1,236.3	101.12
	<b>4,863,707</b>	<b>37,839.4</b>	<b>128.54</b>	<b>5,264,274</b>	<b>38,538.3</b>	<b>136.60</b>

TABLE C

## COUNCIL TAX 2024/25 - DISTRICT EXPENSES AND SPECIAL ITEMS BAND 'D' EQUIVALENTS

PARISH/AREA	DISTRICT EXP'S £	PARISH EXP'S £	SPECIAL EXP'S £	TOTAL BAND D PROPERTY £
Barcombe	209.89	52.57	0.00	262.46
Beddingham and Glynde	209.89	93.83	0.00	303.72
Chailey	209.89	59.72	0.84	270.45
Ditchling	209.89	101.32	0.00	311.21
East Chiltington	209.89	43.26	0.00	253.15
Falmer	209.89	13.97	0.00	223.86
Firle	209.89	89.97	0.00	299.86
Hamsey	209.89	64.41	0.00	274.30
Iford	209.89	0.00	0.00	209.89
Kingston	209.89	136.76	0.00	346.65
Lewes	209.89	231.16	59.58	500.63
Newhaven	209.89	169.77	37.45	417.12
Newick	209.89	63.56	0.00	273.45
Peacehaven	209.89	171.45	8.96	390.30
Piddinghoe	209.89	88.16	0.00	298.05
Plumpton	209.89	118.82	0.00	328.71
Ringmer	209.89	73.66	2.29	285.84
Rodmell	209.89	79.30	0.00	289.19
St Ann Without	209.89	0.00	0.00	209.89
St John Without	209.89	0.00	0.00	209.89
Seaford	209.89	113.16	6.62	329.67
Southease	209.89	0.00	0.00	209.89
South Heighton	209.89	68.53	0.00	278.42
Streat	209.89	74.08	0.00	283.97
Tarring Neville	209.89	0.00	0.00	209.89
Telscombe	209.89	116.37	24.62	350.88
Westmeston	209.89	77.83	0.00	287.72
Wivelsfield	209.89	101.12	0.00	311.01

TABLE D

COUNCIL TAX 2024/25 - DISTRICT, PARISH AND SPECIAL EXPENSES BY AREA AND VALUATION BAND								
PARISH/AREA	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
Barcombe	174.97	204.14	233.30	262.46	320.78	379.11	437.43	524.92
Beddingham and Glynde	202.48	236.23	269.97	303.72	371.21	438.71	506.20	607.44
Chailey	180.30	210.35	240.40	270.45	330.55	390.65	450.75	540.90
Ditchling	207.47	242.05	276.63	311.21	380.37	449.53	518.68	622.42
East Chiltington	168.77	196.89	225.02	253.15	309.41	365.66	421.92	506.30
Falmer	149.24	174.11	198.99	223.86	273.61	323.35	373.10	447.72
Firle	199.91	233.22	266.54	299.86	366.50	433.13	499.77	599.72
Hamsey	182.87	213.34	243.82	274.30	335.26	396.21	457.17	548.60
Iford	139.93	163.25	186.57	209.89	256.53	303.17	349.82	419.78
Kingston	231.10	269.62	308.13	346.65	423.68	500.72	577.75	693.30
Lewes	333.75	389.38	445.00	500.63	611.88	723.13	834.38	1,001.26
Newhaven	278.08	324.43	370.77	417.12	509.81	602.51	695.20	834.24
Newick	182.30	212.68	243.07	273.45	334.22	394.98	455.75	546.90
Peacehaven	260.20	303.57	346.93	390.30	477.03	563.77	650.50	780.60
Piddinghoe	198.70	231.82	264.93	298.05	364.28	430.52	496.75	596.10
Plumpton	219.14	255.66	292.19	328.71	401.76	474.80	547.85	657.42
Ringmer	190.56	222.32	254.08	285.84	349.36	412.88	476.40	571.68
Rodmell	192.79	224.93	257.06	289.19	353.45	417.72	481.98	578.38
St Ann Without	139.93	163.25	186.57	209.89	256.53	303.17	349.82	419.78
St John Without	139.93	163.25	186.57	209.89	256.53	303.17	349.82	419.78
Seaford	219.78	256.41	293.04	329.67	402.93	476.19	549.45	659.34
Southeast	139.93	163.25	186.57	209.89	256.53	303.17	349.82	419.78
South Heighton	185.61	216.55	247.48	278.42	340.29	402.16	464.03	556.84
Streat	189.31	220.87	252.42	283.97	347.07	410.18	473.28	567.94
Tarring Neville	139.93	163.25	186.57	209.89	256.53	303.17	349.82	419.78
Telscombe	233.92	272.91	311.89	350.88	428.85	506.83	584.80	701.76
Westmeston	191.81	223.78	255.75	287.72	351.66	415.60	479.53	575.44
Wivelsfield	207.34	241.90	276.45	311.01	380.12	449.24	518.35	622.02

**TABLE E**

**COUNCIL TAX 2024/25 - MAJOR PRECEPTORS AND VALUATION BAND**

<b>MAJOR PRECEPTOR</b>	<b>BAND A</b> £	<b>BAND B</b> £	<b>BAND C</b> £	<b>BAND D</b> £	<b>BAND E</b> £	<b>BAND F</b> £	<b>BAND G</b> £	<b>BAND H</b> £
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

TABLE F

## TOTAL COUNCIL TAX 2024/25 - BY AREA AND VALUATION BAND

PARISH/AREA	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
Barcombe	1,600.78	1,867.58	2,134.38	2,401.17	2,934.76	3,468.35	4,001.95	4,802.34
Beddingham and Glynde	1,628.29	1,899.67	2,171.05	2,442.43	2,985.19	3,527.95	4,070.72	4,884.86
Chailey	1,606.11	1,873.79	2,141.48	2,409.16	2,944.53	3,479.89	4,015.27	4,818.32
Ditchling	1,633.28	1,905.49	2,177.71	2,449.92	2,994.35	3,538.77	4,083.20	4,899.84
East Chiltington	1,594.58	1,860.33	2,126.10	2,391.86	2,923.39	3,454.90	3,986.44	4,783.72
Falmer	1,575.05	1,837.55	2,100.07	2,362.57	2,887.59	3,412.59	3,937.62	4,725.14
Firle	1,625.72	1,896.66	2,167.62	2,438.57	2,980.48	3,522.37	4,064.29	4,877.14
Hamsey	1,608.68	1,876.78	2,144.90	2,413.01	2,949.24	3,485.45	4,021.69	4,826.02
Iford	1,565.74	1,826.69	2,087.65	2,348.60	2,870.51	3,392.41	3,914.34	4,697.20
Kingston	1,656.91	1,933.06	2,209.21	2,485.36	3,037.66	3,589.96	4,142.27	4,970.72
Lewes	1,759.56	2,052.82	2,346.08	2,639.34	3,225.86	3,812.37	4,398.90	5,278.68
Newhaven	1,703.89	1,987.87	2,271.85	2,555.83	3,123.79	3,691.75	4,259.72	5,111.66
Newick	1,608.11	1,876.12	2,144.15	2,412.16	2,948.20	3,484.22	4,020.27	4,824.32
Peacehaven	1,686.01	1,967.01	2,248.01	2,529.01	3,091.01	3,653.01	4,215.02	5,058.02
Piddinghoe	1,624.51	1,895.26	2,166.01	2,436.76	2,978.26	3,519.76	4,061.27	4,873.52
Plumpton	1,644.95	1,919.10	2,193.27	2,467.42	3,015.74	3,564.04	4,112.37	4,934.84
Ringmer	1,616.37	1,885.76	2,155.16	2,424.55	2,963.34	3,502.12	4,040.92	4,849.10
Rodmell	1,618.60	1,888.37	2,158.14	2,427.90	2,967.43	3,506.96	4,046.50	4,855.80
St Ann Without	1,565.74	1,826.69	2,087.65	2,348.60	2,870.51	3,392.41	3,914.34	4,697.20
St John Without	1,565.74	1,826.69	2,087.65	2,348.60	2,870.51	3,392.41	3,914.34	4,697.20
Seaford	1,645.59	1,919.85	2,194.12	2,468.38	3,016.91	3,565.43	4,113.97	4,936.76
Southeast	1,565.74	1,826.69	2,087.65	2,348.60	2,870.51	3,392.41	3,914.34	4,697.20
South Heighton	1,611.42	1,879.99	2,148.56	2,417.13	2,954.27	3,491.40	4,028.55	4,834.26
Streat	1,615.12	1,884.31	2,153.50	2,422.68	2,961.05	3,499.42	4,037.80	4,845.36
Tarring Neville	1,565.74	1,826.69	2,087.65	2,348.60	2,870.51	3,392.41	3,914.34	4,697.20
Telscombe	1,659.73	1,936.35	2,212.97	2,489.59	3,042.83	3,596.07	4,149.32	4,979.18
Westmeston	1,617.62	1,887.22	2,156.83	2,426.43	2,965.64	3,504.84	4,044.05	4,852.86
Wivelsfield	1,633.15	1,905.34	2,177.53	2,449.72	2,994.10	3,538.48	4,082.87	4,899.44



TABLE G

EFFECT ON BAND D COUNCIL TAX BY PERCENTAGE 2024/25							
PARISH/AREA	DISTRICT	PARISH/TOWN	SPECIAL EXPENSES	EAST SUSSEX FIRE AUTHORITY	SUSSEX POLICE & CRIME COMMISSIONER	EAST SUSSEX COUNTY COUNCIL	TOTAL OVERALL CHANGE
Barcombe	2.84%	0.57%	0.00%	2.99%	5.42%	4.99%	4.65%
Beddingham and Glynde	2.84%	27.21%	0.00%	2.99%	5.42%	4.99%	5.46%
Chailey	2.84%	7.04%	4.48%	2.99%	5.42%	4.99%	4.84%
Ditchling	2.84%	4.45%	0.00%	2.99%	5.42%	4.99%	4.73%
East Chiltington	2.84%	7.27%	0.00%	2.99%	5.42%	4.99%	4.79%
Falmer	2.84%	-2.65%	0.00%	2.99%	5.42%	4.99%	4.70%
Firle	2.84%	0.90%	0.00%	2.99%	5.42%	4.99%	4.60%
Hamsey	2.84%	4.12%	0.00%	2.99%	5.42%	4.99%	4.73%
Iford	2.84%	-100.00%	0.00%	2.99%	5.42%	4.99%	4.72%
Kingston	2.84%	5.33%	0.00%	2.99%	5.42%	4.99%	4.78%
Lewes	2.84%	-16.39%	4.72%	2.99%	5.42%	4.99%	4.79%
Newhaven	2.84%	-10.87%	3.87%	2.99%	5.42%	4.99%	5.06%
Newick	2.84%	3.75%	0.00%	2.99%	5.42%	4.99%	4.72%
Peacehaven	2.84%	7.82%	5.28%	2.99%	5.42%	4.99%	5.32%
Piddinghoe	2.84%	-1.91%	0.00%	2.99%	5.42%	4.99%	4.49%
Plumpton	2.84%	13.15%	0.00%	2.99%	5.42%	4.99%	5.12%
Ringmer	2.84%	-5.79%	4.16%	2.99%	5.42%	4.99%	4.49%
Rodmell	2.84%	9.35%	0.00%	2.99%	5.42%	4.99%	4.89%
St Ann Without	2.84%	0.00%	0.00%	2.99%	5.42%	4.99%	4.75%
St John Without	2.84%	0.00%	0.00%	2.99%	5.42%	4.99%	4.75%
Seaford	2.84%	-3.62%	4.80%	2.99%	5.42%	4.99%	4.61%
Southeast	2.84%	0.00%	0.00%	2.99%	5.42%	4.99%	4.75%
South Heighton	2.84%	31.11%	0.00%	2.99%	5.42%	4.99%	5.35%
Streat	2.84%	14.13%	0.00%	2.99%	5.42%	4.99%	5.01%
Tarring Neville	2.84%	0.00%	0.00%	2.99%	5.42%	4.99%	4.75%
Telscombe	2.84%	-13.33%	5.36%	2.99%	5.42%	4.99%	4.76%
Westmeston	2.84%	-2.87%	0.00%	2.99%	5.42%	4.99%	4.48%
Wivelsfield	2.84%	1.96%	0.00%	2.99%	5.42%	4.99%	4.63%

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**Lewes District Council**

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>19 February 2024</b>
<b>Subject:</b>	<b>General Fund Revenue Budget 2024/25 and Capital Programme</b>
<b>Report of:</b>	<b>Councillor Zoe Nicholson on behalf of the Cabinet</b>

The Council is asked to consider the minutes and resolutions of the **Cabinet** meeting held on **1 February 2024** as set out below.

**The Council is recommended to:-**

- (1) Approve the General Fund Budget 2024/25 (original) and projected MTFs as set out at Appendix 1 to the Cabinet report.
- (2) Approve the General Fund Budget 2023/24 (revised) as set out at Appendix 2 & 3 to the Cabinet report.
- (3) Approve an increase in the Council Tax for Lewes District Council of 2.99% (per annum) resulting in a Band D charge for general expenses (including Special Expenses) of £228.17 (per annum) for 2024/25.
- (4) Approve the revised General Fund Capital Programme 2024/25 as set out at Appendix 4 to the Cabinet report.
- (5) Approve the rates of Fees and Charges proposed at Appendix 5 to the Cabinet report 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.
- (5) Note the Section 151 Officer's sign off as outlined in the report.

Minute Extract

**Cabinet 1 February 2024**

**General Fund Revenue Budget 2024/25 and Capital Programme**

The Cabinet considered the report of the Director of Finance and Performance, seeking their recommendation to Full Council on the General Fund Budget 2023/24 and

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updated Medium Term Financial Strategy (MTFS), together with the updated Capital Programme and Treasury Management position.

The announcement of the recent Local Government Finance Settlement, equated to around £120,000 for the Council and this would be factored into the budget proposed to Full Council.

Debbie Twitchen (Tenants of Lewes District), addressed the Cabinet and thanked the Council for their work with TOLD in preparing the budget.

Cabinet expressed thanks to officers for their work in producing a balanced budget in difficult economic circumstances.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2024 considered the report and were supportive of the officer recommendations in full. A budget briefing had also taken place for all Councillors to attend.

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

- (1) To agree the General Fund Budget 2024/25 (original) and projected MTFS as set out at Appendix 1 to the report.
- (2) To agree the General Fund Budget 2023/24 (revised) as set out in Appendices 2 & 3 to the report.
- (3) To agree an increase in the Council Tax for Lewes District Council of 2.99% resulting in a gross Band D charge (including Special Expenses) of £228.17 for 2024/25.
- (4) To agree the revised General Fund & Housing Revenue Account Capital Programme 2024/25 as set out at Appendix 4 to the report. – **Please note a change to the Capital Programme in 2026/27 as follows:**
  - a) **An increase in the capital allocation for Play Equipment Upgrades £300,000**
  - b) **An additional funding allocation for Biodiversity Improvements £200,000**
  - c) **A corresponding reduction in the capital allocation for Local Energy Schemes £500,000.**
  - d) **Similar commitments will be applied to the programme for 2027/28, the details of which are being finalised.**

The changes above do not impact the total value of the capital programme in 2026/27 or impact the Capital Strategy or the relevant prudential indicators.

(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 to the report as and when notified by Government.

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

**Reason for decisions:**

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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.

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For a copy of the report please contact Democratic Services:

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## Lewes District Council

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>19 February 2024</b>
<b>Subject:</b>	<b>Treasury Management and Prudential Indicators 2024/25, Capital Strategy and Investment Strategy</b>
<b>Report of:</b>	<b>Councillor Zoe Nicholson on behalf of the Cabinet</b>

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on **1 February 2024** as set out below.

### **The Council is recommended to:**

- (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 2023/24 as set out at Appendix A to the Cabinet report.
- (3) Approve the Prudential and Treasury Indicators 2023/24 to 2025/26, (as set out at Appendix A to the report)
- (4) Approve the Capital Strategy, set out at Appendix B to the Cabinet report.

### **Minute extract**

**Cabinet – 1 February 2024.**

#### **Treasury Management Strategy, Investment Strategy, Capital Strategy and Prudential Indicators 2024/25**

The Cabinet considered the report of the Director of Finance and Performance, seeking their recommendation to Full Council of the Council's Annual Treasury Management Strategy, Capital Strategy and Investment Strategy together with the Treasury and Prudential Indicators.

Officers were thanked for their work in producing the report.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2024 considered the report and were supportive of the officer recommendations in full.

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

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(1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25 as set out at Appendix A to the report;

(2) To approve the Minimum Revenue Provision Policy Statement 2024/25 (as set out at Appendix A to the report);

(3) To approve the Prudential and Treasury Indicators 2024/25 to 2026/27 (as set out at Appendix A to the report)

(4) To Approve the Capital Strategy 2024/25 (as set out at Appendix B to the 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.

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**Lewes District Council**

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>19 February 2024</b>
<b>Subject:</b>	<b>Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024/25 and HRA Capital Programme 2023-28</b>
<b>Report of:</b>	<b>Councillor Zoe Nicholson on behalf of the Cabinet</b>

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on **2 February 2023** as set out below.

**The Council is recommended to:**

- (1) Approve the Housing Revenue Account budget for 2024/25 and revised 2023/24 budget as set out at Appendix 1 to the Cabinet report.
- (2) Approve that social and affordable rents (including Shared Ownership) are increased by 7.7% in line with government policy issued in December 2022.
- (3) Approve that, with effect from 1st April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.
- (4) Approve that the revised service charges are implemented.
- (5) Approve that garage rents are increased by 6.7%.
- (6) Approve the Housing Revenue Account Capital Programme as set out at Appendix 2 to the Cabinet report.

**Minute extract**  
**Cabinet – 2 February 2023.**

**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 them to agree the detailed Housing Revenue Account (HRA) budget proposals, rent levels and service charges for 2024/25 and the HRA Capital Programme 2023-28 and recommend to Full Council.

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Cabinet stated that those most impacted by the proposed changes and were not in receipt of benefits would be supported by the Exceptional Hardship Fund.

Thanks were expressed to Tenants of Lewes District (TOLD) for their collaborative working and also to officers for their work in applying for the Social Housing Decarbonisation grant funding in a limited timescale.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2024 considered the report and were supportive of the officer recommendations in full.

**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) To agree that social and affordable rents (including Shared Ownership) are increased by 7.7% with effect from 1st April 2024, in line with government policy issued in December 2022.
- (3) To agree that, with effect from 1st April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.
- (4) To agree that the revised service charges as set out in paragraph 2.3 of the report are implemented with effect from 1st April 2024.
- (5) To agree that garage rents are increased by 6.7%.
- (6) To agree the HRA Capital Programme as set out at Appendix 2 to the report.
- (7) To note that £5.691m 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.

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For a copy of the report please contact Democratic Services:

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E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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**Lewes District Council**

**Meeting:** Council  
**Date:** 19 February 2024  
**Subject:** Council Tax Discounts & Premiums 2024-25  
**Report of:** Councillor Zoe Nicholson on behalf of the Cabinet

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The Council is asked to consider the minutes and resolutions of the **Cabinet** meeting held on **7 December 2023** as set out below.

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**The Council is recommended to:-**

From 01 April 2024

Reduce the 50% discretionary uninhabitable council tax discount to 0%.  
Introduce a 100% premium on empty and unfurnished properties after 1 year, and introduce a 200% premium on empty and unfurnished properties between 5 and 10 years, and a 300% premium on properties that have remained empty and unfurnished for more than 10 years.

From 01 April 2025

Introduce a 100% premium on all furnished properties which are no one's main residence (second homes).

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**Minute Extract**

**Cabinet - 7 December 2023**

**Council Tax Discounts and Premiums**

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

The recommendations were welcomed by the Cabinet and followed the introduction of new rules by government that allowed local authorities to set higher council tax premiums on empty and second homes.

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Policy and Performance Advisory Committee (PPAC), held on 30 November 2023 considered the report and were supportive of the officer recommendations in full.

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

1. From 1 April 2024

(a) The adoption of a standard 0% discount for all Class 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 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 that 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:**

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

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

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For a copy of the report please contact Democratic Services:

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Tel. (01273) 471600.

E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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

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## Lewes District Council

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>19 February 2024</b>
<b>Subject:</b>	<b>Local Council Tax Reduction Scheme 2024-25</b>
<b>Report of:</b>	<b>Councillor Christine Robinson on behalf of the Cabinet</b>

---

The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on **7 December 2023** as set out below.

---

### **The Council is recommended to:-**

- (1) Adopt the 2023/24 Local Council Tax Reduction Scheme as the 2024/25 scheme **(attached at Appendix 1)**.
  - (2) Note that subject to Full Council adoption of the Scheme, Cabinet has granted the Director of Service Delivery delegated authority–
    - (a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and
    - (b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Assets and Finance
  - (3) Continue the Exceptional Hardship Scheme in 2024/25 subject to funds being available.
- 

### **Minute extract Cabinet – 7 December 2023.**

The Cabinet considered the report of the Director of Service Delivery, seeking their recommendation to Full Council that the 2023/24 Local Council Tax Reduction Scheme is adopted as the 2024/25 scheme.

Policy and Performance Advisory Committee (PPAC), held on 30 November 2023 considered the report and were supportive of the officer recommendations in full.

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

---

(1) That the 2023/24 Local Council Tax Reduction Scheme is adopted as the 2024/25 scheme.

(2) Subject to Full Council adoption of the Scheme, Cabinet grants the Director of Service Delivery delegated authority–

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

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

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

**Reason for decisions:**

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

---

**APPENDIX 1 - Local Council Tax Reduction Scheme 2024/25**

For a copy of the Cabinet report please contact Democratic Services:

Tel. (01273) 471600.

E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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



**Lewes District Council**  
**Council Tax Reduction Scheme**  
S13A and Schedule 1a of the Local Government Finance Act 1992

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## **1.0 Introduction to the Council Tax Reduction Scheme**

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1<sup>st</sup> April 2024 until 31<sup>st</sup> 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 1<sup>st</sup> 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 credit<sup>1</sup>; or

---

<sup>1</sup> 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 Reduction<sup>2</sup> amount can be calculated;
- g. not have capital savings above £16,000<sup>3</sup>;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*<sup>4</sup> is **less** than their *applicable amount*<sup>5</sup> or the applicant or partner is in receipt of income support, jobseekers' allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction<sup>6</sup>.

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

#### **Class E**

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit<sup>7</sup>; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum Council Tax Reduction<sup>8</sup> amount can be calculated;
- h. not have capital savings above £16,000<sup>9</sup>;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*<sup>10</sup> is **more** than their *applicable amount*<sup>11</sup>;
- j. have made a valid application for reduction<sup>12</sup>;
- k. be a person in respect of whom amount A exceeds amount B where
  - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
  - (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

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

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

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

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

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

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

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

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

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

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

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



## **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 the Employment and Training Act 1973;

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

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

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

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

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

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

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

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

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

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

**‘attendance allowance’** means–

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**'child benefit'** has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

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

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

**'claim'** means a claim for Council Tax Reduction;

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

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

**'the Consequential Provisions Regulations'** means the Housing Benefit and Council Tax Reduction (Consequential Provisions) Regulations 2006;

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

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

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

**'Council Tax Reduction scheme'** has the same meaning as **'Council Tax Reduction or reduction'**

**'Council Tax Reduction'** means Council Tax Reduction as defined by S13a Local Government Finance Act 1992 (as amended);

**'couple'** means:

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

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

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

**'designated authority'** means any of the following:

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

**'designated office'** means the office designated by the authority for the receipt of claims for Council Tax Reduction;

- a. by notice upon or with a form approved by it for the purpose of claiming Council Tax Reduction; or
- b. by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
- c. by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

**'disability living allowance'** means a disability living allowance under section 71 of the Act;

**‘dwelling’** has the same meaning in section 3 or 72 of the 1992 Act;

**‘earnings’** has the meaning prescribed in section 25 or, as the case may be, 27;

**‘the Eileen Trust’** means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

**‘electronic communication’** has the same meaning as in section 15(1) of the Electronic Communications Act 2000 ;

**‘employed earner’** is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

**‘Employment and Support Allowance Regulations’** means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

**‘Employment and Support Allowance (Existing Awards) Regulations’** means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

**‘the Employment, Skills and Enterprise Scheme’** means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills, and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;

**‘employment zone’** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;

**‘employment zone’** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and 2014 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;

**‘enactment’** includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

**‘extended reduction’** means a payment of Council Tax Reduction payable pursuant to section 60;

**‘extended reduction period’** means the period for which an extended reduction is payable in accordance with section 60A or 61A of this scheme;

**‘extended reduction (qualifying contributory benefits)’** means a payment of Council Tax Reduction payable pursuant to section 61;

**‘family’** has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;

**‘the Fund’** means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

**‘a guaranteed income payment’** means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

**‘he, him, his’** also refers to the feminine within this scheme

**‘housing benefit’** means housing benefit under Part 7 of the Act; ‘the Housing Benefit Regulations’ means the Housing Benefit Regulations 2006;

**‘Immigration and Asylum Act’** means the Immigration and Asylum Act 1999;

**‘an income-based jobseeker’s allowance’** and **‘a joint-claim jobseeker’s allowance’** have the meanings given by section 1(4) of the Jobseekers Act 1995;

**‘income-related employment and support allowance’** means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

**‘Income Support Regulations’** means the Income Support (General) Regulations 1987(a);

**‘independent hospital’**–

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

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

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

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

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

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

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

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

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

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

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

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

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

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

**‘member of a couple’** means a member of a married or unmarried couple;

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

**‘mobility supplement’** means a supplement to which paragraph 9 of Schedule 4 refers;

**‘mover’** means a applicant who changes the dwelling in which the applicant is resident and in respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

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

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

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

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

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

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

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

- a. meeting, or helping to meet an immediate short-term need;
  - (i) arising out of an exceptional event or exceptional circumstances, or
  - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- b. enabling qualifying individuals to establish or maintain a settled home, and—
  - (i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972 ;and
  - (ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:
    - (aa) in prison, hospital, an establishment providing residential care or other institution, or
    - (bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government Act 1972;

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

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

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

**‘partner’** in relation to a person, means

- a. where that person is a member of a couple, the other member of that couple;
- b. subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- c. where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

**‘payment’** includes part of a payment;

**‘pensionable age’** has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

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

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

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

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

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

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

**‘personal pension scheme’** means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by

virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;

- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

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

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

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

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

**'qualifying contributory benefit'** means;

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

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

**'qualifying income-related benefit'** means

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

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

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

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

**'relevant authority'** means an authority administering Council Tax Reduction;

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

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

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

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

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

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

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

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

- a. an employment zone programme;
- b. a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
- c. the Employment, Skills, and Enterprise Scheme;
- d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- e. Back to Work scheme.



**‘Service User’** references in this scheme to an applicant participating as a service user are to

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

**‘single applicant’** means an applicant who neither has a partner nor is a lone parent;

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

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

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

**‘the SSCBA’** means the Social Security Contributions and Benefits Act 1992

**‘State Pension Credit Act’** means the State Pension Credit Act 2002;

**‘student’** has the meaning prescribed in section 43;

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

**‘reduction week’** means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

**‘the Tax Credits Act’** means the Tax Credits Act 2002;

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

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

- a. out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
- b. to a person for his maintenance or in respect of a member of his family; and
- c. for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

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

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

**‘Universal Credit’** means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

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

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

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

Pensions) Act 2003;

**'war pension'** means a war disablement pension, a war widow's pension, or a war widower's pension;

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

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

**'water charges'** means;

- a. as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
- b. as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

**'week'** means a period of seven days beginning with a Monday;

**'Working Tax Credit Regulations'** means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended<sup>13</sup>; and

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day:
  - a. in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
  - b. which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
  - c. in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
  - d. in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 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

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

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

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

### **3.0 Definition of non-dependant**

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

3.2 This paragraph applies to;

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

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

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

### **4.0 Requirement to provide a National Insurance Number<sup>14</sup>**

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

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<sup>14</sup> 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 accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is;

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or the Mental Health (Scotland) Act 2015; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

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

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

8.7 In this section;

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

**Sections 9 - 11**

**The family for Council tax reduction purposes**

## **9.0 Membership of a family**

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

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

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
  - b. an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
  - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable.

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

10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him, and this includes a child or young person to whom paragraph 9.3 applies

- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
  - b. if there is no such person;
    - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
    - ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

## **11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household**

11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young

person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
  - b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
  - c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002<sup>15</sup> or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—
- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
  - b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
  - c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;
- a. that child or young person lives with the applicant for part or all of that reduction week; and
  - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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<sup>15</sup> The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

**Sections 12 – 14 & Schedule 1**

**Applicable Amounts for Council tax reduction purposes**

## **12.0 Applicable amounts**

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

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

## **13.0 Polygamous marriages**

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

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

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

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

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

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

14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

**Sections 15 – 32 & Schedules 3 & 4**

**Definition and the treatment of income for Council tax reduction purposes**



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

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

is to be calculated in accordance with the provisions of this Part.

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

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

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

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

- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
  - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
  - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
  - (d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's) if the authority determines that the provision applies in the applicant's case;
  - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

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

- 15A.4 sections 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

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

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

**17.0 Calculation of income on a weekly basis**

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

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

17.2 The conditions of this paragraph are that;

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

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

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

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

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

**18.0 Treatment of child care charges**

18.1 This section applies where an applicant is incurring relevant child-care charges and;

- a. is a lone parent and is engaged in remunerative work;
- b. is a member of a couple both of whom are engaged in remunerative work; or
- c. is a member of a couple where one member is engaged in remunerative work and the other;

- i. is incapacitated;
    - ii. is an in-patient in hospital; or
    - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
  - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
  - c. is paid an employment and support allowance;
  - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
  - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
  - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
  - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
  - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
    - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
    - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
  - b. by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999;
  - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or

- d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
- e. by;
  - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010;
  - or
  - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
- f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering, or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where

- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days shall be treated

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

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

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

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

- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council

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

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

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

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
  - (i) travelling expenses incurred by the applicant between his home and his place of employment;
  - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the



- Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay, or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.<sup>16</sup>

25.2 Earnings shall not include—

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

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

**26.0 Calculation of net earnings of employed earners**

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

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

26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- a. any amount deducted from those earnings by way of
  - i) income tax;
  - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment 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

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<sup>16</sup> 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 profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and

- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means—

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

### **30.0 Calculation of income other than earnings**

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

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

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

30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.

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

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

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

D

Where

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

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on

which the person abandoned, or was dismissed from, his course;

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

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

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

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5

30.10 In this section– ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of sections 43 to 45, ‘assessment period’ means–

a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes–

i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those 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 £6,000, be treated as income.

- 31.2 Any payment received under an annuity shall be treated as income.
- 31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income
- 31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

**32.0 Notional income**

- 32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.
- 32.2 Except in the case of–
  - a. a discretionary trust;
  - b. a trust derived from a payment made in consequence of a personal injury;
  - c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
  - d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
  - e. any sum to which paragraph 48(a) of Schedule 5 refers;
  - f. rehabilitation allowance made under section 2 of the 1973 Act;
  - g. child tax credit; or
  - h. working tax credit,
  - i. any sum to which paragraph 32.13 applies;
 any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–
  - a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party’s family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
  - b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party’s family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
  - c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation—
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a person's participation in the Work for Your Benefit Pilot Scheme
- e. in respect of a previous participation in the Mandatory Work Activity Scheme;
- f. in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme;
- g. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
  - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration, or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.8 Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

32.9 Subject to paragraph 32.10, where—

- a. applicant performs a service for another person; and
- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

32.10 Paragraph 32.9 shall not apply—

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with—
  - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
  - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement



starts.

32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.

32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

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

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

**Sections 33 – 42 & Schedule 5**

**Definition and the treatment of capital for Council tax reduction purposes**

### **33.0 Capital limit**

33.1 For the purposes of this scheme, the prescribed amount is £16,000 and no support shall be granted when the applicant has an amount greater than this level

### **34.0 Calculation of capital**

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

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

### **35.0 Disregard of capital of child and young person**

35.1 Subject to paragraph 39, the capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

### **36.0 Income treated as capital**

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

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

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

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

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

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

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

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

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

### **37.0 Calculation of capital in the United Kingdom**

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

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

### **38.0 Calculation of capital outside the United Kingdom**

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

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

### **39.0 Notional capital**

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

39.2 Except in the case of

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

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

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

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

39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:

- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
- b. pursuant to section 2 of the 1973 Act in respect of a person's participation:
  - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's

Allowance Regulations;

- ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
- iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
- iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
- v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- c. in respect of a person's participation in the Mandatory Work Activity Scheme;
- d. Enterprise Scheme;
- e. in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme;
- f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
  - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - iii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case

- a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
- b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.

39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

#### **40.0 Diminishing notional capital rule**

40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;

- a. in the case of a week that is subsequent to
  - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
  - (ii) a week which follows that relevant week, and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where
  - (i) that week is a week subsequent to the relevant week; and
  - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that

- a. he is in receipt of council tax reduction; and
- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.

40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of

paragraph 40.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-paragraph 40.2 (b) refers;
- b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of

- a. the amount of council tax reduction to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
- b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
  - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
  - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
- c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7
- d. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and

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

#### **41.0 Capital jointly held**

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

#### **42.0 Calculation of tariff income from capital**

42.1 Where the applicant's capital calculated in accordance with this scheme exceeds £6,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 of in excess of £6,000 but not exceeding £16,000

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

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



**Sections 43 - 56**

**Definition and the treatment of students for Council tax reduction purposes<sup>17</sup>**

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<sup>17</sup> Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

### 43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

**'access funds'** means;

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

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

**'contribution'** means;

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

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

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

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

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

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;

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

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

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

**‘grant income’** means

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

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

**‘last day of the course’** means;

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

**‘period of study’** means—

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

**‘periods of experience’** means periods of work experience which form part of a sandwich course;

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

**‘modular course’** means a course of study which consists of two or more modules, the

successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

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

**'standard maintenance grant'** means—

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

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

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

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

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

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

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

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

#### **44.0 Treatment of students**

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

#### **45.0 Students who are excluded from entitlement to council tax reduction**

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

45.2 Not used.

45.3 Paragraph 45.2 shall not apply to a student

(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;

(b) who is a lone parent;

(c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;

(d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;

(e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.

(g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

(h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;

(i) who is;

(i) aged under 21 and whose course of study is not a course of higher education, or

(ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);

(j) in respect of whom

i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;

(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

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

#### **46.0 Calculation of grant income**

- 46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.
- 46.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
  - (b) in respect of the student's disability;
  - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
  - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
  - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
  - (f) intended to meet the cost of books and equipment;
  - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
  - (h) intended for the child care costs of a child dependant.
  - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

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

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

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

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

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

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

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

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

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

#### **47.0 Calculation of covenant income where a contribution is assessed**

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

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

- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

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

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

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

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

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph 48.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

#### **49.0 Student Covenant Income and Grant income – non disregard**

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

#### **50.0 Other amounts to be disregarded**

50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

#### **51.0 Treatment of student loans**

51.1 A student loan shall be treated as income.

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

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
  - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
  - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately



precedes with last day of the course,

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

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

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

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

51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
  - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
  - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
  - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
  - (ii) no deduction in that loan was made by virtue of the application of a means test.

51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4

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

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

#### **51A.0 Treatment of fee loans**

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

#### **52.0 Treatment of payments from access funds**

52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.

52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.

52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,

- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
- b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

52.4 Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

#### **53.0 Disregard of contribution**

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

#### **54.0 Further disregard of student's income**

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

#### **55.0 Income treated as capital**

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

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

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

**56.0 Disregard of changes occurring during summer vacation**

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

**Sections 57 – 63**

**The calculation and amount of Council tax reduction**

## **57.0 Maximum council tax reduction**

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

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

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

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

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

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

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

## **58.0 Non-dependant deductions**

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

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £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  $2 \frac{6}{7}$  per cent. Where an applicant's income exceeds their applicable amount, their council tax reduction shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax reduction as defined within section 57 of this scheme

**60.0 Extended reductions**

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

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

60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

60.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

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

- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

**60A.0 Duration of extended reduction period**

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the

applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

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

#### **60B.0 Amount of extended reduction**

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—

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

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

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

#### **60C.0 Extended reductions – movers**

60C.1 This section applies;

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

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

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

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

60C.4 Where—

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



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

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

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

**61.0 Extended reductions (qualifying contributory benefits)**

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

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

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

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

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

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

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

61A.3 The extended reduction period ends;

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

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

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

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

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

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

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

61C.1 This section applies;

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

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

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

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

61C.4 Where

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

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

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

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

**61E.0 Extended reductions: movers into the authority's area<sup>18</sup>**

**61E.1** Where;

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

**62.0 – 63.0 Not Used**

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<sup>18</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Sections 64 – 67**

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

**64.0 Date on which entitlement is to begin**

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

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

**65.0 - 66.0 Not Used**

**67.0 Date on which change of circumstances is to take effect**

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

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

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

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

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

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

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

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

**Sections 68– 74A**

**Claiming and the treatment of claims for Council tax reduction purposes**

## **68.0 Making an application<sup>19</sup>**

- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
  - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
  - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian, or attorney, as the case may be, may make an application on behalf of that person.
- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;
  - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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<sup>19</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

## **69.0 Procedure by which a person may apply for a reduction under the authority's scheme<sup>20</sup>**

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

69.2. An application may be made;

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Backdating of reductions**

69.9 (1) Where an applicant;

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

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<sup>20</sup> 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 evidence<sup>21</sup>**

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

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

- (a) the application is accompanied by;
  - (i) a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
  - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
  - (i) evidence of the application for a national insurance number to be so allocated; and
  - (ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
  - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
  - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
  - (iii) has not previously been allocated a national insurance number.

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,

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<sup>21</sup> 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, or the London Bombings Relief Charitable Fund;  
(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);  
(c) a payment which is disregarded under paragraph 58.9.

72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;  
(a) the name and address of the pension fund holder;  
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

### **73.0 Amendment and withdrawal of application<sup>22</sup>**

73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

73.2 Where the application was made by telephone the amendment may also be made by telephone.

73.3 Any application amended is to be treated as if it had been amended in the first instance.

73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

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

73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

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.

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<sup>22</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

#### **74.0 Duty to notify changes of circumstances<sup>23</sup>**

- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
  - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
  - (b) by telephone—
    - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
    - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
  - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
  - (b) changes in the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 A person who has been awarded a reduction under the authority's scheme who is also on state pension credit must report;
- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
  - (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.
- 74.7 In addition to the changes required to be reported under sub-paragraph (6), a person whose state pension credit comprises only a savings credit must also report—
- (a) changes affecting a child living with him which may result in a change in the amount of 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;

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<sup>23</sup> 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 authority<sup>24</sup>**

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

**76.0 Notification of decision<sup>25</sup>**

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;  
(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;  
(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement:

- a. informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;
- b. explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- c. setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

76.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

76.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 This sub-paragraph applies to—  
(a) the applicant;  
(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;

- (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or

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<sup>24</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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



(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

#### **77.0 Time and manner of granting council tax reduction<sup>26</sup>**

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or

(b) where;

(i) such a reduction is not possible; or

(ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or

(iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

(a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;

(i) must be paid to that person if he so requires; or

(ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;

(b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

(c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

#### **78.0 Persons to whom support is to be paid<sup>27</sup>**

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

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

<sup>26</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

paid to that person.

#### **79.0 Shortfall in support / reduction<sup>28</sup>**

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<sup>29</sup>**

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<sup>30</sup>**

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**

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

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

<sup>30</sup> Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

**Section 99**

**Appeals against the authority's decisions**

**99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>31</sup>**

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
  - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing;
    - (i) that the ground is not well founded, giving reasons for that belief; or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act<sup>32</sup>.

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

<sup>32</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

**Section 100**

**Procedure for applying for a discretionary reduction**

**100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act<sup>33</sup>**

100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

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

100.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

**100A.0 Procedure for an application to the authority for an Exceptional Hardship Payment under section 13A(1)(a) of the 1992 Act<sup>34</sup>**

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

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

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<sup>33</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>34</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Section 101 – 106A<sup>35</sup>**  
**Electronic Communication**

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<sup>35</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

## **101.0 Interpretation**

101.1 In this Part;  
“**information**” includes an application, a certificate, notice or other evidence; and  
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing, or storing of any information.

## **102.0 Conditions for the use of electronic communication**

102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

## **103.0 Use of intermediaries**

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

## **104.0 Effect of delivering information by means of electronic communication**

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and
- (b) by or under an enactment,

are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).



104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

**105.0 Proof of identity of sender or recipient of information**

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—  
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or  
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,  
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

**106.0 Proof of delivery of information**

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;  
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or  
(b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

**106A.0 Proof of content of information**

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

**Section 107**  
**Counter Fraud and Compliance**

## **107.0 Counter Fraud and compliance**

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to:

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for Council Tax Reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), 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 Amounts<sup>36</sup>**

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<sup>36</sup> <sup>36</sup> The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

### Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£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;	£83.24
(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.	£83.24

(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, £19.15;

### Premiums

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

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

6 (1) The following premiums, namely–

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

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

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

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

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

#### **Disability Premium**

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

#### **Additional Condition for the Disability Premiums**

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

#### **Severe Disability Premiums**

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

#### **Enhanced Disability Premium**

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

#### **Disabled Child Premium**

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

#### **Carer Premium**

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

#### **Persons in receipt of concessionary payments**

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

#### **Persons in receipt of benefit for another**

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

## Amounts of Premium

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

Premium	Amount
<b>Disability Premium</b>	£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
<b>Severe Disability Premium</b>	£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
<b>Disabled Child Premium</b>	£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
<b>Carer Premium</b>	£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
<b>Enhanced Disability Premium</b>	(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 earnings<sup>37</sup>**

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<sup>37</sup> All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged–
  - (a) where–
    - (i) the employment has been terminated because of retirement; and
    - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,  
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
  - (b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except–
    - (i) any payment of the nature described in
      - (aa) paragraph 25.1(e), or
      - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
    - (ii) any award, sum or payment of the nature described in
      - (aa) paragraph 25.1(g) or (h), or
      - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),  
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
  - (c) where before the first day of entitlement to council tax reduction–
    - (i) the employment has not been terminated, but
    - (ii) the applicant is not engaged in remunerative work,  
  
any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax reduction;
  - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
  - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,  
any earnings paid or due to be paid in respect of that employment except;
    - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
    - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which

paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant, it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
  - (a) he is a member of a couple, and his applicable amount includes an amount by way of the disability premium; and
  - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
  - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
  - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
  - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by

- an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant, it shall not apply to his partner except to the extent specified in sub-paragraph (2).

- (2) If the applicant's partner is engaged in employment;
    - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
    - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.
- 9.** Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.
- 10.** In a case to which none of the paragraphs 3 to 9 applies, £5.
- 10A.** (1) Where;
- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
  - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
  - (c) paragraph 12 does not apply,
- the amount specified in sub-paragraph (7) ('the specified amount').
- (2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.
  - (3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).
  - (4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.
  - (5) This sub-paragraph applies to a person who is;
    - (a) in receipt of a contributory employment and support allowance;
    - (b) in receipt of incapacity benefit;
    - (c) in receipt of severe disablement allowance; or
    - (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975
  - (6) 'Exempt work' means work of the kind described in;
    - (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,  
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

15. Any earnings of a child or young person.

16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or

(b) the applicant—

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;

(aa) the applicant's applicable amount includes a disability premium, the work-related activity component, or the support component ;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week.

(3) The following are the amounts referred to in sub-paragraph (1);

(a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph

17(1)(c); and  
(c) £17.10

(4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

**17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

#### **Schedule 4**

**Sums to be disregarded in the calculation of income other than earnings<sup>38</sup>**

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<sup>38</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended



1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant’s participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker’s allowance, the whole of the applicant’s income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
  - (a) any payment specified in paragraph 7 or 10;
  - (b) income support;
  - (c) an income-based jobseeker’s allowance.
  - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to;
    - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act

1980 (power to assist persons to take advantage of educational facilities);  
(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992

- (b) corresponding to such an education maintenance allowance, made pursuant to;  
(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or  
(ii) regulations made under section 181 of that Act; or

(iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;  
(a) regulations made under section 518 of the Education Act 1996;  
(b) regulations made under section 49 of the Education (Scotland) Act 1980; or  
(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;  
(a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;  
(b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or  
(c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training, or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.  
(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

- 15** (1) Subject to sub-paragraph (2), any of the following payments;  
(a) a charitable payment;  
(b) a voluntary payment;  
(c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;  
(d) a payment under an annuity purchased;  
(i) pursuant to any agreement or court order to make payments to the applicant; or  
(ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or  
(e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
- (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
  - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
- 16.** 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - (b) a war widow’s pension or war widower’s pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of 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. Not used
45. (1) Any payment or repayment made—  
 (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);  
 (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);  
 (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).  
 (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers, or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.  
 (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.  
 (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.  
 (2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;  
 (a) the Child Support Act 1991;  
 (b) the Child Support (Northern Ireland) Order 1991;  
 (c) a court order;  
 (d) a consent order;  
 (e) a maintenance agreement registered for execution in the Books of Council and Session, or the sheriff court books;  
 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.
49. **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.

- 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
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person–
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
  - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.

(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account

- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).  
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.  
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.  
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 65.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:  
(a) an applicant's entitlement to a reduction under the scheme; or  
(b) the amount of any reduction to which the applicant is entitled.  
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022
- 66.** Any payment of child benefit.

**Schedule 5**  
**Capital to be disregarded<sup>39</sup>**

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<sup>39</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden, and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
  - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.  
 (2) The assets of any business owned in whole or in part by the applicant where—
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable

in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
  - (b) an income-related benefit under Part 7 of the Act;
  - (c) an income-based jobseeker's allowance;
  - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (e) working tax credit and child tax credit
  - (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax reduction, for the remainder of that award if that is a longer period.

- (3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means–
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
  - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
    - (i) is the person who received the relevant sum; or
    - (ii) is the partner of the person who received the relevant sum or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
  - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement, or improvement.

11. Any sum–
- (a) deposited with a housing association as defined in section 1(1) of the Housing

Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;

(b) which was so deposited, and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that support.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.  
  
(2) But sub-paragraph (1)
  - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
  - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
  - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
  - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.

- 20.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
  - (i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child ,a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund , the Caxton Foundation, and the London Bombings Relief Charitable Fund.

**25.** (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden, and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

**26.** Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

**27.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

**28.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

**29.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.



- 30.** Not used
- 31.** The value of the right to receive an occupational or personal pension.
- 32.** The value of any funds held under a personal pension scheme
- 33.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
- 34.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).
- 35.** Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
- 36.** Not used.
- 37.** Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
- 38.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
- (a) to purchase premises intended for occupation as his home; or
  - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs, or alterations to be completed and the applicant to commence occupation of those premises as his home.
- 39.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
- 40.** (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
  - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
  - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers, or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
- 41.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a

period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.  
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and  
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;  
(b) which can only be disposed of by order or direction of any such court; or  
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.  
(2) This sub-paragraph applies to a sum of capital which is derived from;  
(a) an award of damages for a personal injury to that person; or  
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from  
(a) award of damages for a personal injury to that person; or  
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50. 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).
- 54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of–
- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.
- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
  - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person—
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,
 whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
  - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,
 whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
  - (b) being a member of a diagnosed person's family;
  - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home, or an independent hospital on that date.

(6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;  
‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;  
‘trust payment’ means a payment under a relevant trust.

**58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

58 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.

**60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

**61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

**62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

**63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).

**64.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:  
(a) an applicant’s entitlement to a reduction under the scheme; or  
(b) the amount of any reduction to which the applicant is entitled.  
“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

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## Lewes District Council

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>19 February 2024</b>
<b>Subject:</b>	<b>Re-imagining Lewes District: Delivering the Vision 2024 - 2028</b>
<b>Report of:</b>	<b>Councillor Zoe Nicholson on behalf of the Cabinet</b>

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The Council is asked to consider the minute and resolution of the **Cabinet** meeting held on **1 February 2024** as set out below.

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### **The Council is recommended to:-**

Adopt the plan (**attached as Appendix 1**) as its overarching corporate policy document for the next 4 years.

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### **Minute extract Cabinet – 1 February 2024.**

The Cabinet considered the report of the Chief Executive, asking them to consider and recommend the draft 'Reimagining Lewes District: Delivering the Vision 2024-2028' plan to Full Council for adoption.

The Council received 122 responses to the consultation on the plan, with it being noted that some were submitted by organisations on behalf of a group of people. Thanks were expressed to all that contributed, and feedback received would be incorporated into the final plan that would be submitted to Full Council. It was also stated that detailed comments relating to climate and nature would be picked up as part of the Climate and Nature Action Plan, which was running parallel to this process.

Thanks were expressed to officers for their work in formalising the proposed plan.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2024 considered the report and were supportive of the officer recommendations in full. It was acknowledged that in disseminating the final document, it was important to reach as many people in the community as possible and also continue work on engaging as many as possible for future consultations.

### **Resolved (Key decision):**

(1) To consider the 'Reimagining Lewes District: Delivering the Vision 2024-2028' plan.

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

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

(3) To 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.

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**Appendix 1 – Corporate Plan: Reimagining Lewes District: Delivering the Vision 2024-2028'**

For a copy of the Cabinet report please contact Democratic Services:

Tel. (01273) 471600.

E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

In addition, a copy may be downloaded from the [Council's website](#).





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# Re-imagining Lewes District:

## *Delivering the Vision 2024 → 2028*



# Introduction from the Leader, Councillor Zoe Nicholson

Our corporate plan reflects what our residents told us is important. It means the work the council is doing in local communities, is the work residents asked us to do.

We have five key areas to focus on over the next four years and in the following pages you can read about the action we are taking and how success will be measured.

We know that providing good quality frontline council services is so important to our residents and visitors to the district. Councils don't receive government funding for these services anymore, so it doesn't get any easier, but we've made big improvements in our customer service, not least in the way we engage with people online.

Top of our list is also continuing to support people who are struggling with the cost of living crisis. We know the most vulnerable people in the district live day to day, often unable to pay their bills, afford the most basic items and worrying about keeping a roof over their heads. During the pandemic we learned a lot about helping people in this situation and I'm most grateful to local charities, voluntary organisations and other council partners for the vital role they play too.

We will also be doubling down on our efforts to tackle the climate and nature emergencies. We have a wide ranging and exciting programme of work ahead of us. The challenge is considerable, but we are making good progress and have a long list of brilliant partners that share our determination to deliver the change that is needed.

Building our Communities' wealth and wellbeing is really important and we know it's making a big difference. It's basically about how we prioritise the local economy in our buying decisions. We want to keep the 'council pound' in the Lewes district, helping local businesses to keep employing local residents. And we want our partners in the district to adopt the same approach.

Providing decent, warm and affordable homes is a top priority for so many. We need more social and affordable homes built in the right place and to high standards, including energy efficiency and climate resilience. Since 2019 we've been bucking the trend by building council homes, but we need more of them that local people can afford. Our four-year target is 500 new affordable and council homes.

In addition to all the above, we will continue to provide good quality frontline council services to our residents and visitors to the district and help make sure our District continues to be a vibrant and attractive place to be.





**In partnership with you, over the next 4 years we are focusing on:**

- 1 Delivering high quality, responsive services to local people**
- 2 Supporting local people through challenging times**
- 3 Tackling the climate and nature emergencies**
- 4 Creating sustainable community wealth**
- 5 Building genuinely affordable homes**

**Here we are setting out our target ambitions for the coming four years. Detailed work programmes will be developed, showing how we will deliver on these ambitions.**

1

*High quality,  
responsive  
services*

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## **Making sure we listen, respond and consistently provide good customer service**

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.

### **Key Areas**



## We will:

- Continually 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 face to face and phone options.
- Improve our face to face and telephone services which support those in need, working in collaboration with others such as town councils and Citizens Advice in key locations across the district.
- Identify and address inequality in our communities in order to promote fairness, equitable services and a commitment to uphold these principles throughout our work.
- Maximise use of technology to be able to identify and target those in most need, to ensure they get access to the support services to which they are entitled.
- Get our communication and engagement right through regular information sharing and consultation.
- Respect our communities and engage meaningfully with local people to nurture strong relations.
- Continue to embed a culture of continuous improvement, where we constantly re-evaluate our quality of service.
- Support local communities in maintaining up to date Neighbourhood Plans.



## 4 year goals:

- Delivery of consistently high customer service standards
- Listening and responding to the needs of local residents through good quality consultation and engagement
- Providing a range of ways to get in touch that meet different residents' needs, particularly those with disabilities or experiencing disadvantage
- Increased proactive and responsive neighbourhood and partnership services

# 2

## *Support through challenging times*

### **The council's role in addressing hardship**

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. We are taking a holistic approach to this, going above and beyond national government interventions to do everything that we can to support local people, across all departments in the council.

#### **Key Areas**



## We will:

- Maintain our new support regime of 100% council tax reduction for those most in need, whilst reviewing the level of council tax required for second homes and vacant properties.
- Support and build strong relationships with the local voluntary and community sector to ensure joined up support for those in need.
- Support those on lowest incomes through housing benefit, council tax reduction and other assistance schemes, providing local delivery of national schemes as these arise.
- Assist residents to maximise the welfare benefits they are entitled to and remove barriers (such as digital exclusion or lack of understanding) to ensure people are able to take up their entitlements.

Page 199 Provide the right advice to residents at the right time, ensuring information and advice is available to those needing extra support, to let them know what is available and how it can be accessed.

- Provide additional support to businesses where national schemes are administered locally.

- Identify and address inequality in our communities and uphold a commitment to the principle of fairness throughout our work.
- 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.
- Make use of the council's extensive communications channels (including District News, email services, social media and conventional media) to inform residents of the range of support available.
- Make advice and services easily available, whether through 24-7 self service channels or by providing direct support to those unable to self-serve.

## 4 year goals:

- **Reduced levels of inequality experienced in the district**
- **Increased uptake of benefits and assistance schemes provided by the council**
- **Increased uptake of business support**



# 3

## *Climate, nature and food systems*

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### **A net zero carbon and climate resilient council and district by 2030**

Tackling the climate crisis and nature emergencies is central to all our activities. We are committed to supporting measures to help arrest biodiversity losses, restore habitats, reduce pollution and work for climate resilience to promote healthy and thriving communities. We will continue our journey to reduce carbon emissions and aim to become a fully climate-resilient council by 2030. We will prepare a climate and nature action plan for a net zero carbon district. Meaningful nature-based solutions and adaptation measures are at the heart of these ambitions.

We will also seek to influence and enable in areas outside of the council's direct control, working with our partners, so that we can make a real difference to our local communities and to the planet. Our key partners include the Environment Agency, Ouse Valley Climate Action, Town & Parish Councils, East Sussex County Council, Transition Town Lewes, The Living Coast (UNESCO Biosphere), Changing Chalk, South Downs National Park Authority, The Railway Land Wildlife Trust, Sussex Nature Partnership, Sussex Wildlife Trust, Ouse & Adur River Trust, Ouse Sussex Flow, Sussex Biodiversity Records Centre, Natural England, Sussex-air and a wide variety of local volunteer groups.

#### **Key Areas**



## We will:

- Refresh, with our partners and residents, our climate and nature action plan, clearly setting out our aspirations and how they will be measured.
- Engage the community energy sector and others in the shift to low or zero carbon electricity generation, and directly invest in local renewable energy schemes and providers where opportunities arise.
- Improve the energy efficiency of homes including by supporting low-carbon heating technologies in our own council houses, whilst also supporting homeowners and private renters.
- Work with partners to deliver nature-based solutions (e.g. tree planting, wetlands etc) to achieve connection between natural environments (ecological connectivity), improved biodiversity and climate resilience in our local landscape and waterscape.

Page 20  
↑ Deliver a programme of nature restoration including an additional high profile river and nature restoration project, following the Cockshut Stream restoration.

- ↑ Increase native flora, pollinators and healthy habitats through biodiversity-friendly council land management practices.
- Consolidate our focus on our rivers, seas and water quality. Prioritise efforts with partners to manage the risks posed by flooding, support the Environment Agency and other partners to address coastal erosion and explore a 'rights of rivers' approach with partners Love our Ouse.
- Build, and encourage the development of, housing which is affordable, energy efficient, climate resilient, adaptable and locally sourced, and utilise the Modular Housing Framework to increase the use of Modern Methods of Construction (MMC) in the delivery of new council homes.
- Monitor, and work with partners to improve, air quality in the district, focusing in particular on nitrogen dioxide and particulate levels, making use of air quality action plans for relevant areas.
- Work in partnership towards more sustainable food systems in the region.

- Deliver a new local plan with the greenest possible policies at its centre, including building on existing successes in delivering Biodiversity Net Gain and aim for higher levels of delivery in future, ahead of national guidance on this area.
- Work in partnership on opportunities arising from the Seaford to Eastbourne Nature Recovery Project, launched in summer 2023 by Defra and Natural England'.
- Move our waste and recycling vehicles to lower emission alternatives.
- Encourage lower emission travel across the district by increased access to Electric Vehicle charging, car share schemes and car clubs.
- Increase opportunities for public transport, cycling and walking in the district by working with partners such as community cycling groups, East Sussex County Council, Ouse Valley Climate Action and others to improve infrastructure and reduce barriers to accessible, low carbon active travel between and within our towns and villages.
- Achieve waste reduction overall by encouraging a 'Reduce, Reuse, Recycle' approach that is collaborative with the community.
- Work with residents to increase separation of food waste from 'residual' household waste, encouraging residents to join our garden waste service, increasing the amount of high quality compost created by our partners.
- Create opportunities to reduce littering, flytipping and graffiti and improve the public realm in collaboration with local and national partners, supporting their campaigns (e.g. on disposable vapes) and through our own 'Educate Remind Enforce' campaign.
- Continue to utilise the Clear Futures Joint Venture Partnership and Framework to support sustainable and transformational change.
- Hold water companies and their regulators to account to drive for improved water quality in the district.

## 4 year goals:

- Achieve the indicators in the refreshed Climate and Nature Action Plan
- Reduction in council carbon emissions to be net zero by 2030
- Reduction in direct fossil fuel use
- Increase the level of biodiversity net gain delivered
- Reduction in levels of non-recyclable household waste



# 4

## *Community Wealth and Wellbeing*

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### **A great place to live and work**

For the last 4 years the council has embraced a community wealth building approach to its work. This is about ensuring that local people and the local economy are placed at the centre of how the council operates, and how we work with our partners.

We will continue to work with key local anchor institutions including our county council, local businesses, including our farming community, police and NHS partners to change procurement practices to focus on local providers where possible. We aim to provide more local employment through all of our activities. We will support the development of social enterprises and identify where additional social value can be achieved in local communities.

### **Key Areas**



## We will:

- Support our local economies, including the rural economy, by procuring from local suppliers, and encouraging other local partners to do the same.
- Work with suppliers to maximise what additional social value benefits can be gained when contracts are delivered for the council, in line with the council's Social Value Charter, and develop a sustainability and social value procurement framework.
- Complete the Pathfinder Pilot regeneration projects in Newhaven, funded with support from central government where a community wealth approach is central.
- Increase local employment opportunities by actively recruiting locally through a range of media (including social media), and by committing ourselves and encouraging our partners to paying the real living wage where possible.
- Embed circular economy principles to enable reuse of materials and sustainable management of resources throughout the council's work.
- Use our land and assets, and partners' public land and assets, to benefit the local community and businesses.
- Support the local voluntary and community sector to help ensure its ongoing strength and vitality, using our revolving loans scheme to enable community led groups to further develop and flourish.
- Develop green and renewable job training opportunities for local people by working with education and training partners. The new Local Plan will provide a vehicle to promote training and employment opportunities in local labour agreements, when agreeing to new commercial developments.
- Support and enable plural ownership through worker and consumer cooperatives and social enterprises, looking to achieve joint council and social enterprise ownership where appropriate.
- Enable local social enterprises to develop and thrive, supported by our Lewes District Start-up Programme
- Find ways to enable more of the district's money to stay within the district, directly benefiting residents and local companies.
- Work to reduce deprivation in the district through our regeneration activities, in partnership with other anchor institutions.
- Encourage local town and parish councils to work actively with us to further develop a community wealth building approach across the area.
- Encourage a thriving visitor economy, based on our natural, cultural and heritage assets, which supports and nurtures our local economy and environment through collaborative initiatives and events.
- Invest in children's and families' positive experience of the outdoors, with attractive activity spaces, seats, including picnic tables and fun play equipment.
- Work to reduce vandalism and antisocial behaviour in our public conveniences, whilst providing more fully accessible Changing Places and finding ways to reduce the environmental impact of our toilets.
- Promote community wellbeing by supporting active enjoyment of our countryside and environment as well as valuing and promoting our local sporting and leisure activities and facilities.
- Lobby for improved rail and bus networks to support the local economy (eg Lewes to Uckfield rail link), as a sustainable alternative to further road development.
- We will work with East Sussex College Group, Charleston and others, to ensure training opportunities match local skills requirements, in order to enhance local employment opportunities.
- Supporting our NHS partners to improve delivery through new local health hubs.

## 4 year goals:

- **Improvement in Thriving Places Index Score**  
([www.thrivingplacesindex.org/](http://www.thrivingplacesindex.org/))
- **Increase in proportion of procurement spend going to local companies**
- **Increase in social value achieved through council contracts**
- **Better cared for and more accessible public spaces**
- **More local job opportunities in low carbon and sustainable industries**



# 5

## *Delivering Homes*



## **Build warmer, better homes that people can afford to live in**

The home in which we live has a huge impact on our quality of life and our health. Access to safe and secure housing, that local people can afford, is fundamental to supporting wellbeing and enabling our communities to thrive.

Working with partners we will support, promote and enable the delivery of housing for local people to buy and rent, including through community land trusts and other relevant community groups. We will seek to rebalance our local housing markets with an ambition to ensure these align with our sustainability aims.

We will deliver and maintain affordable, high quality homes. We will do this in partnership with TOLD (Tenants of Lewes District). Alongside providing council housing, we will support people to access other social housing and private rented accommodation, particularly supporting those who are at risk of homelessness. Using our planning policies we will work to ensure provision of the right homes in the right places for local people.

### **Key Areas**

## We will:

- Enable the delivery of an additional 300 new affordable homes, across the district, alongside 200 new council houses.
- Support the provision of social, affordable and sustainable homes for our tenants and residents.
- Ensure, where possible, that new homes are both energy and resource efficient, alongside being climate and flood resilient, and nature-friendly.
- Build more rented council homes in the district, including using innovative approaches such as modular housing.
- Provide the broadest possible range of accessible housing to meet the diverse needs of the community.
- Explore opportunities to work with public sector partners to identify land suitable for housing development, where social rents could be achieved.
- Use our planning system to support the provision of truly affordable housing, narrowing the inequality that exists whilst delivering for our tenants and residents even more effectively.
- Implement a system of revolving loans to enable Community Land Trusts to develop affordable housing in the area.
- Reduce the reliance on, and need for, temporary and emergency accommodation. Improve prevention measures for those experiencing homelessness and deliver more appropriate accommodation.
- Support independent living, including providing accessible housing for those with physical and additional support needs, and work with partners on health, housing and care strategies that enable supported living.
- Ensure residents have equal access to housing services across the district and have a strong voice in how their homes and communities are managed.
- Prioritise regulatory and legislative compliance to ensure the council owned homes remain at a high standard, including improving responsiveness on repairs and maintenance, retrofitting, making them cheaper to heat and improving shared and amenity space.
- Ensure that when new housing is being delivered, the developers minimise waste and avoid removing material from the development site where possible.
- Support and champion the need for, sufficient infrastructure provision and community facilities close to locations where new housing developments are taking place.



## 4 year goals:

- Enabling the delivery of 300 new affordable homes
- Delivering 200 additional council houses
- Directly deliver more council housing for rent
- More sustainable and energy efficient homes across the district
- Accessible housing for those with additional support needs



## How we will work with you

In working with local people and partners, we are committed to:

- Putting residents first in decision-making.
- Being open and transparent, including following principles of open governance.
- Having a collaborative culture which involves local people and stakeholders from an early stage and directly involves them in delivering solutions.
- Taking a preventative approach to how we address local issues and concerns, investing to tackle problems early.
- Ensuring equality and diversity principles are core to all we do.
- Ensuring the wellbeing of our staff, prioritising their physical and mental health.
- Having a workforce and culture that reflect the diversity of the local community and providing diversity training for our staff.



Photo credit:  
page 1, 15 Pebbles + Construction  
page 10 Grain store  
page 13 BM factory  
courtesy of Carlotta Luke



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Lewes District Council

**Meeting:** Full Council  
**Date:** 19 February 2024  
**Subject:** Approval of Licensing Fees 2024/25  
**Report of:** Chief Executive

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The Council is asked to consider the minute and resolution of the Licensing Committee held on 14 December 2023 as set out below.

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### **Recommendation to Full Council**

That the Council be recommended to approve the Licensing fees proposed within Appendix 1 to apply from 1 April 2024.

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### **Minute extract**

#### **Licensing Committee – 14 December 2023**

#### **16. Approval of Licensing Fees 2024/2025**

Joanna Dunk, Lead for Regulatory Services (LRS), presented the report which outlined a proposal for Licensing Fees for April 2024-April 2025. Chandran Nair (Finance Business Partner) attended remotely via Teams in support. The Committee considered the report. Following comments and queries by Members, Officers clarified that:

- Fees and charges were apportioned between different types of licences. As the operators' accounts were not in deficit no increases had been set.
- Re-tests were charged separately.
- Certain licence fees were set by statute, rather than the Local Authority.
- Not all camping activity required a licence.

Officers explained the differences between personal licences and business licences for skin piercing and tattooing. Following queries around the reduced total income projection for 2024/25 compared to 2023/24, despite fee increases, Officers explained this was due to the expected decrease in DBS checks. The LRS agreed to add in the necessary breakdown information and explanation to the documentation.

**Resolved (unanimous):** To recommend to Full Council approval of the Licensing Fees, as set out in **Appendix 1 of the report, (attached)** to apply from 1 April 2024.

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

A copy may be downloaded on the Council's website by following the link below:

[Agenda for Lewes District Council Licensing Committee on Thursday, 14th December, 2023, 10.33 am \(lewes-eastbourne.gov.uk\)](#)

## Appendix 1 - Lewes District Council Fees and Charges Proposals 2024/25

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
<b><u>PORT HEALTH</u></b>						
Ship Sanitation Certificates (Statutory Fee)	Ships up to 1000 gross tonnage	100.00	100.00		0.00	0.0%
	Ships 1001 to 3000 gross tonnage	135.00	135.00		0.00	0.0%
	Ships 3001 to 10000 gross tonnage	205.00	205.00		0.00	0.0%
	Ships 10001 to 20000 gross tonnage	265.00	265.00		0.00	0.0%
	Ships 20001 to 30000 gross tonnage	340.00	340.00		0.00	0.0%
	Ships > 30001 gross tonnage	400.00	400.00		0.00	0.0%
	Vessels with 50 - 1000 persons	400.00	400.00		0.00	0.0%
	Vessels with more than 1000 persons	680.00	680.00		0.00	0.0%
	Extensions	70.00	70.00		0.00	0.0%
	Additional sampling costs	80.00	80.00		0.00	0.0%
<b>Total Current Estimated Annual Income</b>		<b>2,000.00</b>	<b>2000.00</b>			
<b><u>MISC LICENSING</u></b>						
<b>Street Trading Consents (Lewes and Newhaven Precincts)</b>						
Individual Traders	Application Fee	25.00	26.25	e	1.25	5.0%
	Daily Rate	10.00	10.50	e	0.50	5.0%

By Service and Activity		2023/24 Current charge £pence	2024/25 Proposed charge £pence	VAT	Increase £pence	
	Weekly Rate	75.00	78.75	e	3.75	5.0%
	Annual Rate	475.00	498.75	e	23.75	5.0%
Pavement Licences		75.00	78.75	e	3.75	5.0%
Market Operators	Annual Rate	475.00	498.75	e	23.75	5.0%
<b>Total Estimated Annual Income</b>		<b>4,500.00</b>	<b>4,725.00</b>			
Camping Licences	Application Fee & Renewal	250.00	250.00	e	0.00	0.0%
Zoo Licensing Act 1981	Vet Fee +	590.00	590.00	e	0.00	0.0%
Guard Dogs Act 1975		145.00	145.00	e	0.00	0.0%
Dangerous Wild Animals Act 1976	Initial Application + Vet fee	750.00	750.00	e	0.00	0.0%
Dangerous Wild Animals Act 1976	Renewal + Vet Fee	250.00	250.00	e	0.00	0.0%
Dangerous Wild Animals Act 1976	Variation + Vet Fee	200.00	200.00	e	0.00	0.0%
Stage Hypnotism		65.00	65.00	e	0.00	0.0%
Sex Establishments	Initial Grant of Licence	3,250.00	3,250.00	e	0.00	0.0%
	Annual Renewal	1,750.00	1,750.00	e	0.00	0.0%
	Variation	1,750.00	1,750.00	e	0.00	0.0%
Scrap Metal Dealers Act 2013	Site Licence - New	375.00	375.00	e	0.00	0.0%
	Site Licence - Renewal	375.00	375.00	e	0.00	0.0%

By Service and Activity		2023/24 Current charge £pence	2024/25 Proposed charge £pence	VAT	Increase £pence	
	Collector - New	255.00	255.00	e	0.00	0.0%
	Collector - Renewal	255.00	255.00	e	0.00	0.0%
	Licence Variation	75.00	75.00	e	0.00	0.0%
Concessions	Event by a charity (inc street collections)	Free upon approval from Licensing Officer	Free upon approval from Licensing Officer	e		0.0%
	<b>Total Estimated Annual Income</b>	<b>2,550.00</b>	<b>2,550.00</b>			
	<b><u>TAXI LICENSING</u></b>					
	Visit <a href="http://www.lewes-eastbourne.gov.uk">www.lewes-eastbourne.gov.uk</a> for access to our guidance that outlines additional services provided by other organisations					
	Drivers License Application Fee (Including DBS Check, Knowledge Test & English Language Test)	216.00	227.00	e	11.00	5%
	Knowledge Test Hackney & Private Hire - Retest	50.00	52.50	e	2.50	5%

By Service and Activity		2023/24 Current charge £pence	2024/25 Proposed charge £pence	VAT	Increase £pence	
English Language Test - Retest		65.00	68.25	e	3.25	5%
Additional fees for Drivers only	6 monthly DBS Fee	65.00	68.25	e	3.25	5%
Hackney Carriage/Private Hire/Dual Driver's Licence (Renewal)	1 Year - Exceptional circumstances apply	115.00	120.75	e	5.75	5%
	3 Years	300.00	315.00	e	15.00	5%
Hackney Carriage / Private Hire Vehicle Licence	1 Year	160.00	205.50	e	45.50	28%
Private Hire Operator Licence 1 Year up to 5 Vehicles	Exceptional circumstances apply	98.00	98.00	e	0.00	0%
Private Hire Operator Licence 1 Year 6 - 10 Vehicles	Exceptional circumstances apply	125.00	125.00	e	0.00	0%
Private Hire Operator Licence 1 Year 11 - 20 Vehicles	Exceptional circumstances apply	179.00	179.00	e	0.00	0%
Private Hire Operator Licence 1 Year 21 - 40 Vehicles	Exceptional circumstances apply	288.00	288.00	e	0.00	0%

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Private Hire Operator Licence 1 Year 41 - 80 Vehicles	Exceptional circumstances apply	506.00	506.00	e	0.00	0%
Private Hire Operator Licence 1 Year 81-100 Vehicles	Exceptional circumstances apply	614.00	614.00	e	0.00	0%
Private Hire Operator Licence 1 Year 101+ Vehicles	Exceptional circumstances apply	700.00	700.00	e	0.00	0%
Private Hire Operator Licence 5 Year up to 5 Vehicles		490.00	490.00	e	0.00	0%
Private Hire Operator Licence 5 Year 6 - 10 Vehicles		625.00	625.00	e	0.00	0%
Private Hire Operator Licence 5 Year 11 - 20 Vehicles		895.00	895.00	e	0.00	0%
Private Hire Operator Licence 5 Year 21 - 40 Vehicles		1,440.00	1,440.00	e	0.00	0%
Private Hire Operator Licence 5 Year 41 - 80 Vehicles		2,530.00	2,530.00	e	0.00	0%

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Private Hire Operator Licence 5 Year 81-100 Vehicles		3,070.00	3,070.00	e	0.00	0%
Private Hire Operator Licence 5 Year 101+ Vehicles		3,500.00	3,500.00	e	0.00	0%
Replacement of Lost /Damaged Licence Plates		44.00	46.20	e	2.20	5%
Replacement of Lost /Damaged Door Signs		11.00	11.55	e	0.55	5%
Replacement of Driver's Badge		11.00	11.55	e	0.55	5%
Transfer of Ownership		41.50	43.50	e	2.00	5%
Vehicle Change of Use	From Private Hire to Hackney Carriage and vice versa	41.50	43.50	e	2.00	5%
Driver's Licence - Change of Use as Above		41.50	43.50	e	2.00	5%
Change of Address		11.00	11.55	e	0.55	5%
Missed Appointment		-	-	e	0.00	0%
<b>Total Estimated Annual Income</b>		<b>419,200.00</b>	<b>401,988.00</b>			



By Service and Activity

**LICENSING ACT 2003**

Premises Licence and Club Premises Statutory fees apply as shown below

Certificates

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

Application Fee

Band A

Band B

Band C

Band D

Band E

Annual Charge

Band A

Band B

Band C

Band D

Band E

Minor variation application

Dis Application DPS

Personal Licence

Temporary Event Notice

2023/24  
Current  
charge  
£pence**2024/25  
Proposed  
charge  
£pence**

VAT

Increase  
£pence

100.00

190.00

315.00

450.00

635.00

70.00

180.00

295.00

320.00

350.00

89.00

23.00

37.00

21.00

100.00

190.00

315.00

450.00

635.00

70.00

180.00

295.00

320.00

350.00

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## By Service and Activity

	2023/24 Current charge £pence	<b>2024/25 Proposed charge £pence</b>	VAT	Increase £pence	
Theft, loss etc of premises licence summary	10.50	10.50	e	0.00	0.0%
Application for a provisional statement where premises being built etc.	315.00	315.00	e	0.00	0.0%
Notice of change of name or address	10.50	10.50	e	0.00	0.0%
Application to vary a licence to specify individual as Designated Premises Supervisor	23.00	23.00	e	0.00	0.0%
Application for transfer of Premises Licence	23.00	23.00	e	0.00	0.0%
Interim authority notice following death etc. of licence holder	23.00	23.00	e	0.00	0.0%
Theft, loss etc. of certificate or summary	10.50	10.50	e	0.00	0.0%
Notification of change of name or alteration of rules of club	10.50	10.50	e	0.00	0.0%

## By Service and Activity

Change of relevant registered address of club  
 Theft, loss etc. of Temporary Event Notice  
 Theft, loss etc. of Personal Licence  
 Duty to notify of change of name or address  
 Right of freeholder etc. to be notified of licensing matters  
 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.  
**Total Estimated Annual Income**

2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
	10.50	e	0.00	0.0%
10.50	10.50	e	0.00	0.0%
10.50	10.50	e	0.00	0.0%
10.50	10.50	e	0.00	0.0%
10.50	10.50	e	0.00	0.0%
21.00	21.00	e	0.00	0.0%
-	-	e	0.00	
<b>70,000.00</b>	<b>70,000.00</b>			

By Service and Activity

**ENVIRONMENTAL  
HEALTH LICENSING**Acupuncture, tattooing  
ear piercing and  
electrolysis (Premises)Acupuncture, tattooing  
ear piercing and  
electrolysis (Person)Acupuncture, tattooing  
ear piercing and  
electrolysis (Premises  
+ Person)Amendment to  
registered premisesReplacement  
Certificate**Total Estimated  
Annual Income****ANIMAL WELFARE**Animal Welfare Regs  
2018 Dog Day CareAnimal Welfare Regs  
2018 Sale of animals

	2023/24 Current charge £pence	2024/25 Proposed charge £pence	VAT	Increase £pence	
Acupuncture, tattooing ear piercing and electrolysis (Premises)	140.00	147.00	e	7.00	5.0%
Acupuncture, tattooing ear piercing and electrolysis (Person)	90.00	94.50	e	4.50	5.0%
Acupuncture, tattooing ear piercing and electrolysis (Premises + Person)	230.00	241.50	e	11.50	5.0%
Amendment to registered premises	-	-	e	0.00	0.0%
Replacement Certificate	-	-	e	0.00	0.0%
<b>Total Estimated Annual Income</b>	<b>5,200.00</b>	<b>5,460.00</b>			
<b><u>ANIMAL WELFARE</u></b>					
Animal Welfare Regs 2018 Dog Day Care	250.00	262.50	e	12.50	5.0%
Animal Welfare Regs 2018 Sale of animals	277.00	290.85	e	13.85	5.0%

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Animal Welfare Regs 2018 Breeding Dogs	Vet Fee + 1st inspection only	277.00	290.85	e	13.85	5.0%
Animal Welfare Regs 2018 Cat and Dog Home Boarding		250.00	262.50	e	12.50	5.0%
Animal Welfare Regs 2018 Horses (upto 10)	Vet Fee +	250.00	262.50	e	12.50	5.0%
Animal Welfare Regs 2018 Horses (between 11and 20)	Vet Fee +	350.00	367.50	e	17.50	5.0%
Animal Welfare Regs 2018 Horses (More than 20)	Vet Fee +	460.00	483.00	e	23.00	5.0%
Animal Wefare Regs 2018 Keeping or training animals		161.00	169.05	e	8.05	5.0%
Animal Welfare Regs 2018 Dog Day Care ADDITIONAL ACTIVITY		76.55	80.38	e	3.83	5.0%
Animal Welfare Regs 2018 Sale of animals ADDITIONAL ACTIVITY		101.00	106.05	e	5.05	5.0%

## By Service and Activity

	2023/24 Current charge £pence	<b>2024/25 Proposed charge £pence</b>	VAT	Increase £pence	
Animal Welfare Regs 2018 Breeding Dogs ADDITIONAL ACTIVITY	112.00	117.60	e	5.60	5.0%
Animal Welfare Regs 2018 Cat and Dog Home Boarding ADDITIONAL ACTIVITY	65.50	68.78	e	3.28	5.0%
Animal Welfare Regs 2018 Horses (upto 10) ADDITIONAL ACTIVITY	118.50	124.43	e	5.93	5.0%
Animal Welfare Regs 2018 Horses (between 11and 20) ADDITONAL ACTIVITY	136.00	142.80	e	6.80	5.0%
Animal Welfare Regs 2018 Horses (More than 20) ADDITIONAL ACTIVITY	278.00	291.90	e	13.90	5.0%
Animal Wefare Regs 2018 Keeping or training animals	51.00	53.55	e	2.55	5.0%

ADDITIONAL  
ACTIVITY

By Service and Activity

Animal Welfare Regs  
2018 Dog Day Care  
PLV

Animal Welfare Regs  
2018 Sale of animals  
PLV

Animal Welfare Regs  
2018 Breeding Dogs  
PLV

Animal Welfare Regs  
2018 Cat and Dog  
Home Boarding PLV

Animal Welfare Regs  
2018 Horses (upto 10)  
PLV

Animal Welfare Regs  
2018 Horses (between  
11and 20) PLV

Animal Welfare Regs  
2018 Horses (More  
than 20) PLV

	2023/24 Current charge £pence	2024/25 Proposed charge £pence	VAT	Increase £pence	
	153.00	160.65	e	7.65	5.0%
	160.00	168.00	e	8.00	5.0%
	173.00	181.65	e	8.65	5.0%
	125.00	131.25	e	6.25	5.0%
	180.00	189.00	e	9.00	5.0%
	196.00	205.80	e	9.80	5.0%
	338.00	354.90	e	16.90	5.0%

## By Service and Activity

	2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Animal Welfare Regs 2018 Keeping or training animals PLV	161.00	169.05	e	8.05	5.0%
Animal Welfare Regs 2018 Dog Day Care RESCORE	128.00	134.40	e	6.40	5.0%
Animal Welfare Regs 2018 Sale of animals RESCORE	112.00	117.60	e	5.60	5.0%
Animal Welfare Regs 2018 Breeding Dogs RESCORE	123.00	129.15	e	6.15	5.0%
Animal Welfare Regs 2018 Cat and Dog Home Boarding RESCORE	100.00	105.00	e	5.00	5.0%
Animal Welfare Regs 2018 Horses (upto 10) RESCORE	130.00	136.50	e	6.50	5.0%
Animal Welfare Regs 2018 Horses (between 11and 20) RESCORE	147.00	154.35	e	7.35	5.0%
Animal Welfare Regs 2018 Horses (More than 20) RESCORE	289.00	303.45	e	14.45	5.0%



## By Service and Activity

	2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Animal Welfare Regs 2018 Keeping or training animals RESCORE	-	-	e	0.00	0.0%
Animal Welfare Regs 2018 Dog Day Care APPEAL	91.00	95.55	e	4.55	5.0%
Animal Welfare Regs 2018 Sale of animals APPEAL	79.00	82.95	e	3.95	5.0%
Animal Welfare Regs 2018 Breeding Dogs APPEAL	91.00	95.55	e	4.55	5.0%
Animal Welfare Regs 2018 Cat and Dog Home Boarding APPEAL	66.50	69.83	e	3.33	5.0%
Animal Welfare Regs 2018 Horses (upto 10) APPEAL	96.50	101.33	e	4.83	5.0%
Animal Welfare Regs 2018 Horses (between 11and 20) APPEAL	114.00	119.70	e	5.70	5.0%

## By Service and Activity

Animal Welfare Regs  
2018 Horses (More  
than 20) APPEAL  
Animal Welfare Regs  
2018 Keeping or  
training animals  
APPEAL  
**Total Estimated  
Annual Income**

**GAMBLING ACT 2003**

Lotteries (Statutory  
Fee)

Initial

2023/24  
Current  
charge  
£pence

256.00

**2024/25  
Proposed  
charge  
£pence**

268.80

VAT

e

Increase  
£pence

12.80

5.0%

-

-

e

0.00

0.0%

**6,650.00****6,982.50**

Gaming Machines  
(Licensed Premises -  
Licensing Act 2003)

Renewal

40.00

40.00

e

0.00

0.0%

Statutory Fees

20.00

20.00

e

0.00

0.0%

machines - category C and/or D

50.00

50.00

e

0.00

0.0%

Notify Licensing  
Authority of intention to  
provide a maximum of  
2 gaming machines -  
category C and/or D  
New licensed premises  
gaming permit

150.00

150.00

e

0.00

0.0%

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Vary an existing licensed premises gaming permit			100.00		0.00	0.0%
Transfer an existing licensed premises gaming permit		100.00	25.00	e	0.00	0.0%
Annual Fee (Permits over 2 machines)		25.00	50.00	e	0.00	0.0%
<u>Bingo Premises Licence</u>	Statutory Fees	50.00				
Annual Fee		800.00	800.00	e	0.00	0.0%
Application to vary a licence		1500.00	1,500.00	e	0.00	0.0%
Application to transfer a licence		1,000.00	1,000.00	e	0.00	0.0%
Application for reinstatement of a licence		1,000.00	1,000.00	e	0.00	0.0%
Application for provisional statement		2,700.00	2,700.00	e	0.00	0.0%
Application for a new premises licence		2,700.00	2,700.00	e	0.00	0.0%

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Application for a new premises licence (Provisional Statement Holder)		1,000.00	1,000.00	e	0.00	0.0%
<u>Adult gaming centre premises licence</u>	Statutory Fees					
Annual Fee		800.00	800.00	e	0.00	0.0%
Application to vary a licence		800.00	800.00	e	0.00	0.0%
Application to transfer a licence		1,000.00	1,000.00	e	0.00	0.0%
Application for reinstatement of a licence		1,000.00	1,000.00	e	0.00	0.0%
Application for provisional statement		1,500.00	1,500.00	e	0.00	0.0%
Application for a new premises licence		1,500.00	1,500.00	e	0.00	0.0%
Application for a new premises licence (Provisional Statement Holder)		1,500.00	1,500.00	e	0.00	0.0%
<u>Club Gaming/Machine Permit</u>	Statutory Fees					

By Service and Activity	2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Application for a new permit	200.00	200.00	e	0.00	0.0%
Application for a permit (Club Premises Certificate Holder)	100.00	100.00	e	0.00	0.0%
Application for a permit (Existing Operator)	100.00	100.00	e	0.00	0.0%
Application to vary a permit	100.00	100.00	e	0.00	0.0%
Renewal	200.00	200.00	e	0.00	0.0%
Renewal (Club Premises Certificate Holder)	100.00	100.00	e	0.00	0.0%
Annual Fee	50.00	50.00	e	0.00	0.0%
Copy of Permit	15.00	15.00	e	0.00	0.0%
<u>Betting premises (Track licence)</u>					
Annual Fee	800.00	800.00	e	0.00	0.0%
Application to vary a licence	1,000.00	1,000.00	e	0.00	0.0%
Application to transfer a licence	800.00	800.00	e	0.00	0.0%
Application for reinstatement of a licence	800.00	800.00	e	0.00	0.0%
Statutory Fees					

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Application for provisional statement		2,000.00	2,000.00	e	0.00	0.0%
Application for a new premises licence		2,000.00	2,000.00	e	0.00	0.0%
Application for a new premises licence (Provisional Statement Holder)		800.00	800.00	e	0.00	0.0%
<u>Betting premises</u> <u>(other) licence</u>	Statutory Fees					
Annual Fee		500.00	500.00	e	0.00	0.0%
Application to vary a licence		1,200.00	1,200.00	e	0.00	0.0%
Application to transfer a licence		1,000.00	1,000.00	e	0.00	0.0%
Application for reinstatement of a licence		1,000.00	1,000.00	e	0.00	0.0%
Application for provisional statement		2,300.00	2,300.00	e	0.00	0.0%
Application for a new premises licence		2,300.00	2,300.00	e	0.00	0.0%

By Service and Activity		2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
Application for a new premises licence (Provisional Statement Holder)		1,000.00	1,000.00	e	0.00	0.0%
<u>Temporary use notice</u>		250.00	250.00	e	0.00	0.0%
<u>Family entertainment centre premises licence</u>	Statutory Fees					
Annual Fee		600.00	600.00	e	0.00	0.0%
Application to vary a licence		800.00	800.00	e	0.00	0.0%
Application to transfer a licence		800.00	800.00	e	0.00	0.0%
Application for reinstatement of a licence		800.00	800.00	e	0.00	0.0%
Application for provisional statement		1,500.00	1,500.00	e	0.00	0.0%
Application for a new premises licence		1,500.00	1,500.00	e	0.00	0.0%
Application for a new premises licence (Provisional Statement Holder)		800.00	800.00	e	0.00	0.0%

By Service and Activity

Family Entertainment  
Centre Gaming  
Machine Permit  
 Application for a new  
 permit  
 Renewal  
 Application to  
 Substitute name  
 Copy of permit  
**Total Estimated  
 Annual Income**

Statutory Fees

2023/24 Current charge £pence	2024/25 <b>Proposed charge £pence</b>	VAT	Increase £pence	
300.00	300.00	e	0.00	0.0%
300.00	300.00	e	0.00	0.0%
25.00	25.00	e	0.00	0.0%
15.00	15.00	e	0.00	0.0%
<b>5000.00</b>	<b>5000.00</b>			



<b>Report to:</b>	<b>Full Council</b>
<b>Date:</b>	<b>19 February 2024</b>
<b>Title:</b>	<b>Members' Allowances Scheme – Report of the Independent Remuneration Panel (IRP)</b>
<b>Report of:</b>	<b>Simon Russell, Head of Democratic Services (and Monitoring Officer)</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To advise the Council of the Independent Remuneration Panel's recommendations and determine changes to the Council's Allowances Scheme in the light of the recommendations.</b>
<b>Officer recommendation(s):</b>	<b>(1) To consider the recommendations of the Independent Remuneration Panel as set out at appendix 1 to the report and decide on one of the following options:</b>  <b>(a) To accept the Panel's recommendation in full.</b> <b>(b) To partially accept the Panel's recommendation with compelling reasons for doing so.</b> <b>(c) To reject the Panel's recommendation in full with compelling reasons for doing so.</b>  <b>(2) That the Head of Democratic Services be authorised to make the necessary amendments (if approved) to the Council's Members' Allowances Scheme.</b>  <b>(3) That thanks be conveyed to the Panel for the work undertaken and report produced.</b>
<b>Reasons for recommendations:</b>	<b>To meet the statutory requirement for Council to have regard to the recommendations made to it by the Independent Remuneration Panel.</b>
<b>Contact Officer(s):</b>	<b>Name: Simon Russell</b> <b>Post title: Head of Democratic Services (and Monitoring Officer)</b> <b>E-mail: <a href="mailto:simon.russell@lewes-eastbourne.gov.uk">simon.russell@lewes-eastbourne.gov.uk</a></b> <b>Telephone number: 01323 415021</b>

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## **1 Introduction**

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations made to it by an Independent Remuneration Panel (IRP) before it agrees its Members' Allowances Scheme.

- 1.2 In accordance with regulation 20.2 (a) of the above regulations, an IRP comprising a minimum of three members, was appointed and tasked with carrying out this review. One appointed, an IRP's term of office expires after four years of service. The Members' Allowances Scheme is reviewed at least every four years.
- 1.3 The last review of the Council's Members' Allowances schemes took place in 2020. The IRP appointed in 2020 was therefore called and tasked with carrying out a new review of the allowances in 2023, for subsequent consideration in February 2024.
- 1.4 The Panel comprised the following members: -
- Mr Mark Palmer (Chair)**  
**Mr Ian Buckingham**  
**Ms Daphne Bagshaw**
- 1.5 This covering report has been produced to accompany the detailed report of the IRP that is included at appendix 1. Reference should be made to that report for further information and detail.
- 1.6 Since the review was undertaken, the staff pay award for 2023/24 has been announced. In accordance with the current adopted Members' Allowances scheme, the basic allowances, special responsibility allowances and IT allowances awarded to Councillors were subsequently indexed in line with the average percentage increase in staff salaries. The current rate of allowances awarded to Councillors are therefore included at Appendix 2 to this report for information.
- 1.7 The regulations require the Council to publicise the recommendations of the IRP, the agreed scheme and actual allowances paid to councillors each year. Arrangements are in hand for the required notice to be published in accordance with the regulations.
- 1.8 The Panel undertook a separate review of allowances paid to Lewes Parish and Town Councils. The Panel's final report would be issued to Town and Parishes following confirmation by the District Council of their 2024 Members' Allowances Scheme.

## **2 Recommendations made by the Panel**

- 2.1 Under the regulations the Council is required to have regard to the advice of their IRP. The phrase "...shall have regard to the recommendations made..." is used in the regulations. Should the Council wish to implement arrangements not fully in accordance with the Panel's recommendations they will need to give compelling reasons for doing so. In addition, it should be noted that details of any variations between the Panel's recommendations and the Council's final decision must be detailed in a public notice.

2.2 The full recommendations of the Panel are detailed in their report but a summary is set out below:

- **Basic allowance** (payable to all 41 Councillors): **£5,002**
- **Special responsibility allowances (SRA)** (no Councillor shall be entitled to receive at any time more than one SRA):

	<b>Full Year Total:</b>
<b>Leader of the Council</b>	<b>£18,756</b>
<b>Deputy Leader of the Council</b>	<b>£10,316</b>
<b>Members of the Cabinet with portfolio</b>	<b>£8,440</b>
<b>Members of the Cabinet without portfolio</b>	<b>NO SRA</b>
<b>Chair of the Council</b>	<b>£3,751</b>
<b>Deputy Chair of the Council</b>	<b>No SRA</b>
<b>Chair of Planning Applications Committee</b>	<b>£7,502</b>
<b>Vice Chair of Planning Applications Committee</b>	<b>£1,500</b>
<b>Other Members of Planning Applications Committee</b>	<b>£750</b>
<b>Chair of Policy &amp; Performance Advisory Committee</b>	<b>£5,627</b>
<b>Chair of the Audit and Governance Committee</b>	<b>£5,627</b>
<b>Chair of the Licensing Committee</b>	<b>£3,751</b>
<b>Leader of the Largest Opposition Group</b>	<b>£6,565</b>
<b>Deputy Leader of the Largest Opposition Group</b>	<b>No SRA</b>
<b>Chair of the Joint Staff Advisory Committee</b>	<b>£1,395</b>

<b>Chair of a Licensing Sub-Committee</b>	<b>£65 per meeting</b>
<b>Ordinary Member of a Licensing Sub-Committee</b>	<b>0-12 meetings</b> <b>(£0 per annum)</b>  <b>13-26 meetings</b> <b>(£576 per annum)</b>  <b>27-40 meetings</b> <b>(£862 per annum)</b>  <b>41+ meetings</b> <b>(£1,150 per annum)</b>
<b>Chair of Policy and Performance Advisory Panel</b>	<b>£65 per meeting</b>
<b>Ordinary Member of Policy and Performance Advisory Panel</b>	<b>0-12 meetings</b> <b>(£0 per annum)</b>  <b>13-26 meetings</b> <b>(£576 per annum)</b>  <b>27-41 meetings</b> <b>(£862 per annum)</b>  <b>41+ meetings</b> <b>(£1,150 per annum)</b>
<b>Co-opted Member of Standards Panel</b>	<b>£33 per meeting</b> <b>(maximum of £160 per annum)</b>

- **Travel and subsistence allowance: -**  
No change to current scheme.
- **Dependants' carers' allowances (DCA): -**  
No change to current scheme.  
DCA to be based on two rates:  
Rate 1: Childcare at market rate with no monthly maximum claim.  
Rate 2: Specialist care based at cost.
- **Parental Leave Policy: -**  
No change to current policy.
- **Information technology allowance: -**  
Withdrawn.
- **Indexing of allowances: -**  
The basic allowance and SRAs to be increased annually in line with the percentage increase in staff salaries up to 2027/28, at which time the allowances scheme shall be reviewed again by an IRP.
- **Implementation of new scheme of allowances: -**  
Recommended to be implemented with effect from the beginning of the 2024-25 financial year.

### **3 Financial appraisal**

- 3.1 The cost of the review has been met within an existing budget. The IRP's recommendation would result in an increase in basic allowance, SRA and IT allowance totalling £68,468. The existing budget allocation for allowances also includes expenditure incurred by Councillors for ad hoc travel and subsistence claims, carers allowances and annual allowance for the appointed Standards Independent Persons.

The projected increase to allowances has been factored into the budget setting process for 2024/25, should the Council agree to accommodate the suggested increase in its entirety.

### **4 Legal implications**

- 4.1 It is a statutory requirement under regulation 19(1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 that a local authority has regard to the recommendations of an IRP before it makes or amends a members' allowances scheme.

By regulation 2(5) of The Local Authorities (Functions and Responsibilities)

Regulations 2000, the function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989, or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority.

Accordingly, the power to implement the officer recommendations in this report, as set out on the front sheet and reiterated at paragraph 3.2 above, is conferred solely on the Full Council.

## **5 Risk management implications**

9.1 There are none.

## **6 Equality analysis**

7.1 The scheme, as a whole, is intended to assist the objective of overcoming any financial and other disincentive that an individual might experience in being a councillor and encourage persons from all sections of the community to become and remain councillors.

7.2 The Panel has given consideration to the subject of equalities in its report.

## **7 Environmental sustainability implications**

8.1 There are no implications arising from this report.

## **8 Appendices**

- Appendix 1 – Report from the Independent Remuneration Panel of November 2023.
- Appendix 2 – Current rate of allowances paid after 2023 indexing applied.

## **9 Background papers**

- None

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**The report of the Independent Remuneration Panel  
appointed to review the allowances paid to  
Councillors of Lewes District Council**

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November 2023

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## 1. INTRODUCTION AND BACKGROUND

1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), as amended, require all local authorities to appoint an independent remuneration panel (IRP) to advise on the terms and conditions of their scheme of Councillors' allowances.

1.2 Lewes District Council formally appointed the following persons to undertake this process and make recommendations on its future scheme.

Daphne Bagshawe - .MA JP. Consultant on Local Government  
Ian Buckingham - Management Consultant and Former Local Resident  
Mark Palmer - Development Director, South East Employers (Chair)

1.3 Our terms of reference were in accordance with the requirements of the 2003 Regulations, together with "Guidance on Consolidated Regulations for Local Authority Allowances" issued jointly by the former Office of the Deputy Prime Minister and the Inland Revenue (July 2003).

1.4 Those requirements are to make recommendations to the Council as to:

- (a) the amount of basic allowance to be payable to all councillors.
- (b) the level of allowances and whether allowances should be payable for:
  - special responsibility allowances.
  - travelling and subsistence allowance.
  - dependants' carers' allowance.

and the amount of such allowances.

- (c) whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years before its application is reviewed.

1.5 In addition, the Panel was invited to review the allowances payable to the Chair of Council to meet the expenses of the respective office under Sections 3 and 5 of the Local Government Act 1972. Whilst the 2003 Regulations do not require councils to include such allowances in any formal review, the Council has agreed that it would be appropriate in terms of openness and transparency to ask the Panel to review this allowance as part of the general review of the scheme of councillors' allowances.

1.6 We have also again made a recommendation in respect of parental leave for Councillors.

## 2. CURRENT SCHEME

- 2.1 The last full review of councillors' allowances was undertaken by Lewes District Council in January 2020. The scheme of allowances was brought into effect in April 2020.
- 2.2 The Scheme currently provides that all councillors are each entitled to a total basic allowance of £3,451 per annum. In addition, some councillors receive special responsibility allowances for undertaking additional duties.
- 2.3 Councillors may also claim the cost of travel and subsistence expenses and for expenditure on the care of children or dependants whilst on approved duties.

## 3. PRINCIPLES UNDERPINNING OUR REVIEW

### The Public Service Principle

- 3.1 This is the principle that an important part of being a Councillor is the desire to serve the public and therefore, not all of what a councillor does should be remunerated. Part of a Councillor's time should be given voluntarily. The consolidated guidance notes the importance of this principle when arriving at the recommended basic allowance.<sup>1</sup> Moreover, we found that a public service concept or ethos was articulated and supported by all of the Councillors we interviewed and in the responses to the questionnaire completed by Councillors as part of our review.
- 3.2 The principle of public service had been recognised in previous IRP reviews in Lewes DC and in 2020 was clearly quantified by the Panel. To provide transparency and increase understanding of the Panel's work, we will continue to recommend the application of an explicit Public Service Discount (or PSD). Such a PSD is applied to the time input necessary to fulfil the role of a Councillor.
- 3.3 Further explanation of the PSD to be applied is given below in section 4.

### The Fair Remuneration Principle

- 3.4 Alongside the belief that the role of the elected Councillor should, in part, be viewed as unpaid voluntary service, we advocate a principle of fair remuneration. The Panel in 2023 subscribes to the view promoted by the independent Councillors' Commission:

Remuneration should not be an incentive for service as a councillor. Nor should lack of remuneration be a barrier. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local *Councillors*. *Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage as a result of doing so.*<sup>2</sup>

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<sup>1</sup> The former Office of Deputy Prime Minister – now the Department for Levelling Up Housing & Communities, and HM Revenue and Customs, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 68.

<sup>2</sup> Rodney Brooke and Declan Hall, *Members' Remuneration: Models, Issues, Incentives and Barriers*. London: Communities and Local Government, 2007, p.3.

3.5 We are keen to ensure that our recommended scheme of allowances provides reasonable financial compensation for councillors. Equally, the scheme should be fair, transparent, logical, simple, and seen as such.

3.6 Hence, we continue to acknowledge that:

- allowances should apply to roles within the Council, not individual councillors.
- allowances should represent reasonable *compensation* to councillors for expenses they incur and time they commit in relation to their role, not *payment* for their work; and
- special responsibility allowances are used to recognise the *significant* additional responsibilities which attach to some roles, not merely the extra time required.

3.7 In making our recommendations, we have therefore sought to maintain a balance between:

- the voluntary quality of a councillor's role.
- the need for appropriate financial recognition for the expenses incurred and time spent by councillors in fulfilling their roles; and
- the overall need to ensure that the scheme of allowances is neither an incentive nor a barrier to service as a councillor in Lewes District Council.

3.8 The Panel will also ensure that the scheme of allowances is understandable in the way it is calculated, this includes ensuring the bandings and differentials of the allowances are as transparent as possible.

3.9 In making our recommendations, we wish to emphasise that any possible negative impact they may have is not intended and should not be interpreted as a reflection on any individual Councillor's performance in the role.

## 4. CONSIDERATIONS AND RECOMMENDATIONS

### Basic Allowance

4.1 A Council's scheme of allowances must include provision for a basic allowance, payable at an equal flat rate to all Councillors. The guidance on arriving at the basic allowance states:

*"Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated."*<sup>3</sup>

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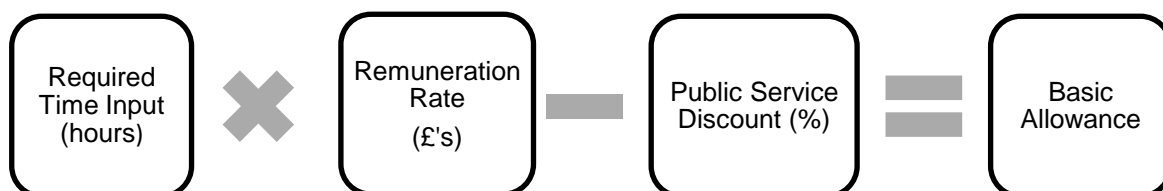
<sup>3</sup> paragraph 67.

4.2 In addition to the regular cycles of Council and committee meetings, several working groups involving Councillors may also operate. Many Councillors are also appointed by the Council to several external organisations.

4.3 We recognise that Councillors are responsible to their electorate as:

- Representatives of a ward.
- Community leaders.
- Decision makers for the whole Council area.
- Policy makers for future activities of the Council.
- Scrutineers and auditors of the work of the Council; and
- Regulators of planning, licensing and other matters required by Government.

4.4 The guidance identifies the issues and factors an IRP should have regard to when making a scheme of allowances.<sup>4</sup> For the basic allowance we considered three variables in our calculation: the time required to execute the role effectively; the public service discount; and the rate for remuneration.



4.5 Each of the variables is explained below.

#### Required Time Input

4.6 We ascertained the average number of hours necessary per week to undertake the role of a Councillor (with no special responsibilities) from questionnaires and interviews with Councillors and through reference to the relevant Councillor information. In addition, we considered information about the number, range, and frequency of committee meetings.<sup>5</sup>

4.7 Discounting attendance at political meetings (which we judged to be centred upon internal political management), we find that the average time commitment required to execute the role of a councillor with no special responsibilities is 11 hours per week.

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<sup>4</sup> paragraphs 66-81.

<sup>5</sup> Summary responses to the questionnaires are available on request.

### Public Service Discount (PSD)

4.8 From the information analysed, we found councillors espoused a high sense of public duty. Given the weight of evidence presented to us concerning, among other factors, the levels of responsibility, the varied nature of the role, the need for learning and development, and the increasing accessibility and expectations of the public, we recommend a Public Service Discount of 50 per cent to the calculation of the basic allowance. This percentage sits at the top within the range of PSDs applied to basic allowances by councils in the south east.

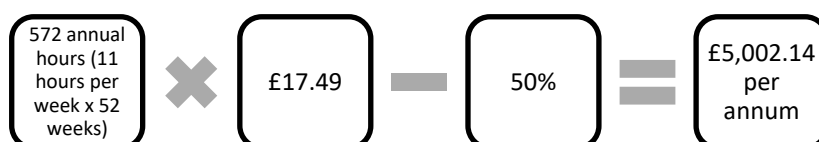
### Remuneration Rate

4.9 After establishing the expected time input to be remunerated, we considered a remuneration rate and came to a judgement about the rate at which the Councillors ought to be remunerated for the work they do.

4.10 To help identify an hourly rate for calculating allowances, we utilised relevant statistics about the local labour market published by the Office for National Statistics. We selected the average (median), full-time gross<sup>6</sup> wage per hour by place of residence for Lewes. The latest available figure is £17.49.

### Calculating the basic allowance

4.11 After determining the amount of time required each week to fulfil the role (12.5 hours), the level of PSD to be applied (50%) and the hourly rate to be used (£17.49), we calculated the basic allowance as follows:



4.12 The gross Basic Allowance before the PSD is applied is **£10,004.28**. Following the Application of the PSD this leads to a basic allowance of **£5,002.14** per annum. This is then rounded to **£5,002**.

4.13 This amount is intended to recognise the overall contribution made by councillors, including their work on council bodies, and ward work and attendance on external bodies.

4.14 We did also note the levels of basic allowance currently allocated by other Sussex district councils (see table below).

<b>Council</b>	<b>Sussex District and Borough Councils: Basic Allowances (£) 2023<sup>7</sup></b>
Adur District Council	5,279
Arun District Council	6,033

<sup>6</sup> The basic allowance, special responsibility allowance, dependants' carers' allowance, and co-optees' are taxable as employment income.

<sup>7</sup> Figures drawn from the South East Employers, Members' Allowances Survey 2023 (October 2023).

Chichester District Council	5,200
Crawley Borough Council	6,948
Eastbourne Borough Council	4,573
Horsham District Council	5,739
<b>Lewes District Council</b>	<b>5,002</b>
Mid Sussex District Council	5,700
Rother District Council	4,930
Wealden District Council	4,846
Worthing Borough Council	5,530
<b>Average</b>	<b>5,435</b>

- 4.15 The Panel wished to ensure the level of basic allowance does not constitute a barrier to candidates from all sections of the community standing, or re-standing, for election as Councillors. The Panel was of the view that the 2023 review has begun to make recommendations to ensure that the recommended basic is in accordance with the principle of fair remuneration, although the rate is still below the average for district and borough across Sussex.

**WE THEREFORE RECOMMEND that the Basic Allowance payable to all members of Lewes District Council be £5,002 per annum.**

#### **Special Responsibility Allowances (SRAs)**

- 4.16 Special Responsibility Allowances are awarded to councillors who perform significant additional responsibilities over and above the roles and expenses covered by the basic allowance. These special responsibilities must be related to the discharge of the council's functions.
- 4.17 The 2003 Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA to any one councillor. They do require that an SRA be paid to at least one councillor who is not a member of the controlling group of the Council. As the guidance suggests, if the majority of councillors receive an SRA the local electorate may rightly question the justification for this.<sup>8</sup>
- 4.18 We conclude from the evidence we have considered that the following offices bear significant additional responsibilities:
- Leader of the Council
  - Deputy Leader of the Council
  - Members of the Cabinet with Portfolio
  - The Chair of Council
  - Chair of Planning Applications Committee
  - Vice Chair of Planning Applications Committee
  - Other Members of the Planning Applications Committee
  - Chair of the Policy & Performance Advisory Committee
  - Chair of the Audit and Standards Committee
  - Chair of the Licensing Committee
  - Chair of a Licensing Sub Committee

<sup>8</sup> paragraph 72. Local Government Regulations 2003

- Member of a Licensing Sub Committee
- Chair of Joint Staff Advisory Committee
- Leader of the Largest Opposition Group

#### One SRA Only Rule

- 4.19 To improve the transparency of the scheme of allowances, we feel that no Councillor should be entitled to receive at any time more than **one SRA**.
- 4.20 The One SRA Only Rule avoids the possible anomaly of the Leader receiving a lower allowance than another councillor. If two or more allowances are applicable to a Councillor, then the higher-valued allowance would be received. The One SRA Only Rule is common practice for many councils. Our calculations for the SRAs are based on this principle, which should be highlighted:

**WE THEREFORE RECOMMEND that that no councillor shall be entitled to receive at any time more than one Special Responsibility Allowance and that this One SRA Only Rule be adopted into the Scheme of Allowances.**

#### The Maximum Number of SRAs Payable

- 4.21 In accordance with the 2003 Statutory Guidance (paragraph 72) the Panel is of the view that no more than 50% of Council Members (21 Members) should receive an SRA at any one time. However, we continue to recognise that this is a future aspiration rather than a recommendation.

#### Calculating SRAs

- 4.22 The Panel agreed to apply a criteria and formula for calculating the Leader of the Council's SRA. This will be based on a multiplier of the Basic Allowance. The Leader is the role that carries the most significant additional responsibilities and is also the most time consuming.
- 4.23 We applied a multiplier of the basic allowance to establish the Leader's SRA. Other SRAs are then valued downwards as a percentage of the Leader's allowance. This approach has the advantage that, when future adjustments to the SRAs are required, changing the Leader's SRA will have a proportionate and easily calculable effect on the other SRAs within the scheme.
- 4.24 We grouped together in Tiers those roles that we judged to have a similar level of responsibility. The outline result of this approach is illustrated in a pyramid of responsibility:



4.25 The rationale for these eight tiers of responsibility is discussed below:

Leader (Tier One)

4.26 The Council elects a Leader who is ultimately responsible for the discharge of all executive functions of the Council. The Leader is the principal policy maker and has personal authority to determine delegated powers to the rest of the Cabinet. The Leader is also responsible for the appointment (and dismissal) of members of the Cabinet and their respective areas of responsibility.

4.27 The multiplier we applied to calculate the Leader's SRA is 375%, or 3.75 x the basic allowance. If the recommended option of a basic allowance with a PSD of 50% is adopted, this results in a Leader's Allowance of £18,756.

**WE RECOMMEND that the Leader of the Council receive a Special Responsibility Allowance of 375% of the basic allowance, £18,756 per annum.**

Deputy Leader (Tier Two)



4.28 The Deputy Leader usually acts on the Leader's behalf in their absence. From the information we gathered we consider this additional responsibility should be reflected in the level of allowance. Therefore, we recommend the Deputy Leader's SRA be set at 55% of the Leader's SRA. If our recommendations concerning the basic allowance and the Leader's SRA are adopted, this results in an allowance of £10,316.

**WE RECOMMEND that the Deputy Leader receive a Special Responsibility Allowance of 55% of the Leader's Special Responsibility Allowance, £10,316**

Cabinet Member (Tier 3)

4.29 From the evidence gathered, including questionnaire response and face to face interviews we consider the members of the Cabinet should receive an allowance of £8,440, 45% of the Leader's Allowance.

4.30 Evidence from the interviews we undertook with councillors, underlines the responsibility of the members of the Cabinet for many of the Council's functions. Members of the Cabinet hold considerable responsibility for their respective portfolios. In addition, we found the time commitment for the role to be significant.

**WE RECOMMEND that the Cabinet Members receive a Special Responsibility Allowance of 45% of the Leader's Special Responsibility Allowance, £8,440.**

The Chair of the Planning Applications Committee (Tier Four).

4.31 The Panel is of the view that the Chair of Planning Applications performs a significant role that has a high impact across the District. The frequency of meetings also mean that the role is demanding of time and resource. The Panel therefore recommend an allowance of 40% of the Leaders Allowance, £7,502.

**WE RECOMMEND that the Chair of the Planning Applications Committee receive a Special Responsibility Allowance of 40% of the Leader's Allowance, £7,502.**

The Leader of the Minority Group (Tier Five)

4.32 The role of the Leader of the Minority Group is instrumental to ensure accountability of the leadership and requires a high level of organisation to manage a political group. The Panel therefore recommends that the Leader of the Minority Group receive a Tier-Five allowance of £6,565, 35% of the Leader's Special Responsibility Allowance.

**WE RECOMMEND that the Leader of the Minority Group receive a Special Responsibility Allowance of 35% of the Leader's Allowance, £6,565.**

Chair of the Policy and Performance Advisory Committee and Chair of the Audit and Governance Committee (Tier Six).

- 4.33 The Policy and Performance Advisory Committee performs the role of overview and scrutiny and therefore, does not have formal decision-making powers. The Committee is influential and Government Legislation and Statutory Guidance (May 2019) has sought to increase the scope and influence of the scrutiny function. We consider this role should receive a Tier- Six allowance of £5,627, 30% of the Leader's Allowance.
- 4.34. The Panel is also of the view that the Audit and Governance Committee continues to perform a key role and should receive a Tier- Six allowance of £5,627, 30% of the Leader's Allowance.

**WE RECOMMEND that the allowance for the Chair of Policy and Performance Advisory Committee and the Chair of the Audit and Governance Committee should receive a Special Responsibility Allowance of 30% of the Leader's Allowance, £5,627.**

Chair of the Council (Tier Seven)

- 4.35 The Panel was of the view that the role of the Chair of the Council continues to have a key role, impact and profile in a similar capacity to a mayor in wards without a town mayor. We therefore, recommend that the role be recognised at Tier Seven and receive an allowance of £3,751, 20% of the Leader's Special Responsibility Allowance.

**WE RECOMMEND that the Chair of the Council should receive a Special Responsibility Allowance of 20% of the Leader's Allowance, £3,751.**

Chair of the Licensing Committee (Tier Eight)

- 4.36 Currently the Chair of the Licensing Committee receives an allowance based on a per meeting basis (£65.00 per meeting). Following consultation and discussion with Councillors the Panel is of the view that an annual Special Responsibility Allowance should be payable. The Panel recommends that the Chair of the Licensing Committee should receive an allowance of 20% of the Leader's Allowance, £3,751.

**WE RECOMMEND that the Chair of the Licensing Committee should receive a Special Responsibility Allowance of 20% of the Leader's Allowance, £3,751.**

### Other Allowances

- 4.37 Following discussion and from an analysis of the role the Panel is of the view that the allowance for Vice Chair of Planning Applications should be 20% of the Chair of Planning Applications Special Responsibility Allowance, £1,500.
- 4.38 With regard to the role of Other Members of the Planning Applications Committee the Panel consider that they should receive an allowance of 10% of the Chair of the Planning Applications Committee, £750.
- 4.39 In the case of the Chairs of Licensing Sub Committee this allowance should continue to be £65 per meeting and the Chairs of the Policy and Performance Advisory Scrutiny Panels should also receive an allowance of £65 per meeting. A Member of a Licensing Sub-Committee and Member of the Policy and Performance Advisory Panel should receive the following allowances:
- 0-12 meetings £0 p.a.
  - 13-26 meetings £576 p.a.
  - 27-40 meetings £862 p.a and
  - 41+ meetings £1,150 p.a.
- 4.40 The Joint Staff Advisory Committee established in partnership with Eastbourne Borough Council has a rotating Chair. The Panel was of the view that the Chair of the Committee should receive a Special Responsibility Allowance, and this should be calculated as a percentage of the Leader's Allowance for both Councils. The Panel therefore recommends that the Chair of the Joint Staff Committee should receive an allowance of 5% of the recommended combined Leader's allowance, £9,146 and £18,756, a Special Responsibility Allowance of £1,395.
- 4.41 The Panel also recommends that the Co-opted members of the Standards and Audit Committee or Standards Sub- Committee should receive an allowance of £33 per meeting up to a maximum of £160 per annum.
- 4.42 With regard to the vacant role of Cabinet Member (without Portfolio) the Panel recommends that no Special Responsibility Allowance should be payable.

**WE RECOMMEND that the afore mentioned Special Responsibility Allowances should be payable as outlined in paragraphs 4.37 to 4.42. The Panel also recommends that no Special Responsibility Allowances should be payable to the role of Cabinet Member (without Portfolio).**

### **Travelling and Subsistence Allowance**

- 4.43 A scheme of allowances may provide for any councillor to be paid for travelling and subsistence undertaken in connection with any of the duties specified in Regulation 8 of the 2003 Regulations including any other duties approved by the Council. Similarly, such an allowance may also be paid to co-opted members of a committee or sub-committee of the Council in connection with any of those duties, provided that their expenses are not also being met by a third party.

- 4.44 The amounts payable to Members in respect of car and motorcycle mileage payments will be at the maximum rate per mile that can be paid tax-free as defined by HM Revenue and Customs.

**WE RECOMMEND that travelling and subsistence allowance should continue to be payable to councillors and any co-opted members in connection with any approved duties in accordance with the current scheme of allowances.**

#### **Dependants' Carers' Allowance**

- 4.45 The dependants' carers' allowance should ensure that potential candidates are not deterred from standing for election and should enable current councillors to continue despite any change in their personal circumstances.
- 4.46 The Panel therefore is of the view that the Dependants' Carers Allowance should continue to be based on two criteria, general childcare and specialist care. The Panel continues to be of the view that specialist care provision should be reimbursed for the actual cost incurred by the councillor upon production of receipts. Medical evidence that this type of care provision is required must also be provided and approved by an appropriate officer of the Council. Childcare rates should continue to be at market rates upon production of receipts.

**WE THEREFORE RECOMMEND that the Dependants' Carers' Allowance should continue to be based on two criteria. Rate one for Childcare be at the market rate, reimbursed upon production of receipts, with no monthly maximum claim. Rate two should be for specialist care based at cost upon production of receipts and requiring medical evidence that this type of care is required. There should also continue to be no monthly maximum claim**

**WE ALSO RECOMMEND that no change should be made to the current eligibility conditions for receipt of this allowance, except that the duties for which this allowance is payable should be in accordance with the list of approved Councillor duties. The Council should also actively promote the allowance to prospective and new councillors both before and following an election.**

#### **Approved Councillor Duties**

- 4.47 The Panel reviewed the recommended duties for which Dependants' Carers' Allowance and Travelling and Subsistence Allowance should be payable and have recommended that no changes be made.

**WE THEREFORE RECOMMEND that the recommended duties for which Dependants' Carers' Allowance and Travelling and Subsistence Allowance should be payable should be in accordance with the Approved Councillor Duties.**

#### **Parental Leave**

- 4.48 There is no uniform/ national policy to support councillors who require parental leave for maternity, paternity or adoption leave. According to the Fawcett Society (Does Local Government Work for Women, 2018) a 'lack of maternity, paternity provision or support' is a real barrier for women aged 18-44 to fulfil their role as a councillor'.
- 4.49 In 2020 the Panel was of the view that support should be provided for parental leave and we were pleased that this recommendation was approved by the Council and adopted. The Panel recommends that the Parental Leave Policy continues and is actively promoted to both current and prospective councillors.

**WE RECOMMEND that the parental leave policy for councillors continues and is actively promoted to new and prospective councillors.**

#### **Information Technology Allowance**

- 4.50 The Panel is of the view that the current arrangement of a separate IT Allowance to the value of £455 per annum should be withdrawn.

**WE RECOMMEND that IT Allowance for Councillors of £455 per annum should be withdrawn.**

#### **Indexing of Allowances**

- 4.52 A scheme of allowances may make provision for an annual adjustment of allowances in line with a specified index. The previous scheme made provision for the basic allowance, the special responsibility allowances, the dependants' carers' allowance and co-optees and Independent Persons Allowances to be adjusted annually. The Panel recommend that this indexation should be in line with increases in staff salaries at Lewes District Council.

**WE RECOMMEND that the basic allowance, each of the SRAs and the Dependants' Carers' Allowance be increased annually in line with the percentage increase in staff salaries until 2027, at which time the Scheme shall be reviewed again by an Independent Remuneration Panel.**

#### **Revocation of current Scheme of Allowances / Implementation of new Scheme**

- 4.53 The 2003 Regulations provide that a scheme of allowances may only be revoked with effect from the beginning of a financial year, and that this may only take effect on the basis that the authority makes a further scheme of allowances for the period beginning with the date of revocation.

**WE THEREFORE RECOMMEND that the new scheme of allowances to be agreed by the Council be implemented with effect from the beginning of the 2024-25 municipal/financial year, at which time the current scheme of allowances will be revoked.**

## **5. OUR INVESTIGATION**

### **Background**

- 5.1 As part of this review, a questionnaire was issued to all councillors to support and inform the review. Responses were received from 26 of the 41 Councillors, which represents 63% of the Council. The information obtained was helpful in informing our deliberations.
- 5.2 We interviewed ten current councillors, including the Leader of the Council and the Leader of the Minority Group. We are grateful to all our interviewees for their assistance.

### **Councillors' views on the level of allowances**

- 5.3 A summary of the councillors' responses to the questionnaire is attached as Appendix 2.

**Mark Palmer (Independent Remuneration Panel, Chair)**

**Daphne Bagshawe (Independent Remuneration Panel)**

**Ian Buckingham (Independent Remuneration Panel)**

**November 2023**

## Appendix A – Summary of Panel Recommendations

Allowance	Current Amount for 2023-24 (at time of review)	Number	Recommended Allowance (50% PSD)	Recommended Allowance Calculation
<b>Total Basic:</b>	<b>£3,451</b>	<b>41</b>	<b>£5,002</b>	

Special Responsibility:				
Leader of the Council	£16,003	1	£18,756	375% of BA
Deputy Leader	NO SRA	1	£10,316	55% of Leader's Allowance
Members of the Cabinet	£6,402	8	£8,440	45% of Leader's Allowance
Cabinet Member (without Portfolio)	£3,200	0	No SRA to be payable	
Leader of the Largest Minority Group	£4,800	1	£6,565	35% of the Leader's Allowance
Chair of the Policy and Performance Advisory Committee	£3,840	1	£5,627	30% of the Leader's Allowance
Chair of Council	£2,401	1	£3,751	20% of the Leader's Allowance
Chair of Planning Applications	£4,800	1	£7,502	40% of the Leader's Allowance
Vice Chair of Planning Applications	£800	1	£1,500	20% of the Planning Applications Chair
Other Members of the Planning Applications Committee	£576	9	£750	10% of the Planning Applications Chair
Chair of Audit and Governance	NO SRA	1	£5,627	30% of the Leader's Allowance
Chair of Licensing Committee	£65 per meeting	1	£2,813	15% of the Leader's Allowance
Chair of Licensing Sub Committee	£65 per meeting		£65 per meeting	
Co-Opted Members of	£34 per meeting			

Audit and Governance			£34 per meeting	
Members of the Licensing Sub Committee and Members of the Policy and Performance Advisory Panels	£0 £576 £862 £1,150		£0 £576 £862 £1,150	
Chair of Policy and Performance Advisory Panels	£65 per meeting		£65 per meeting	
Chair of Joint Staff Advisory Committee 1	£1,201		£1,395	5% of the combined Leader's Allowance for EBC and LDC

1. Allowance payable every other year, due to a rotating Chair with Eastbourne BC.



**APPENDIX B - Independent Remuneration Panel Members'  
Allowance Questionnaire Lewes District Council 2023**

Q1 In a typical week how many hours do you spend on Council business relating to your Basic Allowance?

Answered: 25      Skipped: 1

**RESPONSES**

10+

20

Between 10- 20 hours dependant on activities of the week

10 hours

5 hours

10 hours

10-15 hours

10

12

10

12

8-10

25-30 hours

7 hours

10 hours

10-12

20

20 hours per week

10

10

8

10

4 to 5 hours but will depend on a week by week casework load

5-10

30

Q2 If you hold a role(s) within the Council i.e. Group Leader, Cabinet Member, Chair/Vice Chair etc., how many hours do you spend in a typical week on Council business relevant to the role(s). [Please provide details separately for each role if more than one additional role is held.] Please specify specific roles below and hours spent on each role:

Answered: 17      Skipped: 9

## RESPONSES

Chair of Council 8hrs on a quiet month, 20 + on a busy month

Deputy Chair of PPAC: At most 2.5 hours attendance; 6 hours of reading (can be above 60 pages) and preparation for meeting, travel time: 30 minutes walk to station, 10 minutes train travel from Lewes to Newhaven (each way). Chair, Scrutiny Emergency Climate change Panel: Preparation/reading documents: 6 hours Meeting time: up to 1.5 hours

N/A

Chair pf planning applications committee LDC, - 4 Member LDC Local Plan Steering Group - 2

20+ hours but difficult s some weeks are more and some are less

18

Group Leader - 4 Cabinet Member - 12

Cabinet portfolio - 15

NA

Deputy-Chair - Planning: I help the Chair to prepare for items coming up, conduct discussions on items to become more informed about, prepare for any discussions needed with council officers and at committee, reading, writing; easily 3-4 hours per week  
 Chair - Southern Water investigation Panel: discussions with panel members and officers around the programme of work, research and investigation for points to be set for the programme of work, liaison with SW and other stakeholders if needed, any writing of correspondence or anything else which may be needed, reading; easily 3-4 hours per week  
 Police and Crime Panel Budget Precept working group - upcoming preparations for discussion, reading; easily will be 1-2 hours per week

Cabinet member - 30 hours

Member of Planning Applications Committee

n/a

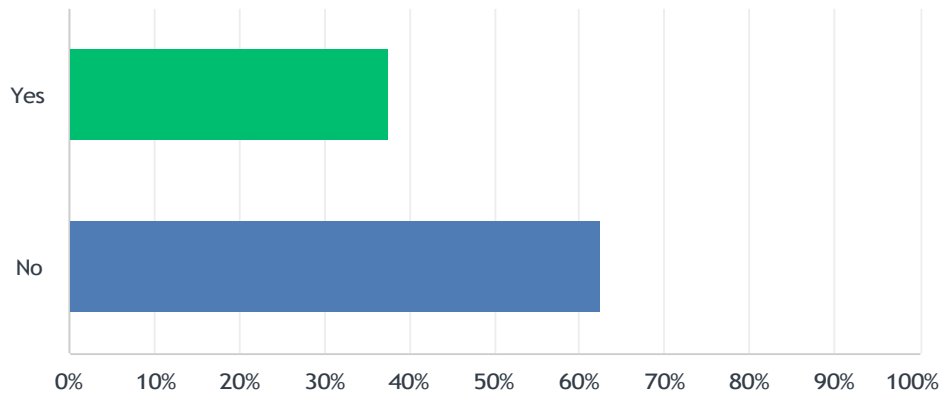
Cabinet Member for Social Housing and Tenants: 20 hours

Chair of Audit and Governance 1 hour per week averaged across a month but as it also incorporates Standards for members there are circumstances in which it increases (ie event driven). Plus attendance at monthly Cabinet meetings. Joint Staff Advisory Committee. As above.

As Vice Chair it's not much time per week it's sporadic but each event can be 2 or 3 hours

### Q3 Do you incur any significant costs which you believe are not covered by your present allowance?

Answered: 24 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	37.50%	9
No	62.50%	15
<b>TOTAL</b>		<b>24</b>

#### IF YES, PLEASE PROVIDE DETAILS:

Clothing suitable for Chair of LDC - usually a suit needed, needs buying, cleaning etc.

The present allowance does not include the background preparations. Attendance allowance is 37 pounds per sitting, which is inadequate

lost earnings

Because of the amount of time given to Cllr work (I am on Town and County Council too), I cannot take on other work.

travel around ward, to meetings which are on ward business not cabinet business, travel and expenses related to local political party plus party conference etc

mobile phone

Homeworking: Internet, heating and postage costs

Travel costs - Attendance at meetings for voluntary groups. Although not mandatory attendance is desirable and sort of expected.

I have had to buy outfits for Vice Chair events

Q4 Government guidance states that “it is important that some element of the work of Councillors continues to be voluntary”. As part of their deliberations, Independent Remuneration Panels will assess what Public Service Discount should apply to the basic allowance - that is the percentage of their time Councillors expect to give without any financial remuneration. Accordingly, what do you feel is an acceptable amount of time to be given, unremunerated, if any, expressed as a percentage?

Answered: 23      Skipped: 3

**RESPONSES**

40-50%

20%

Up to 4 hours a week

10%

50%

10%

30%

50

15%

0

30%

10%

50%

50% or 4 hours a week

70%

10%

0%. Do MPs work for nothing?

Full Council Meetings x5. 20% (?)

50%

25%

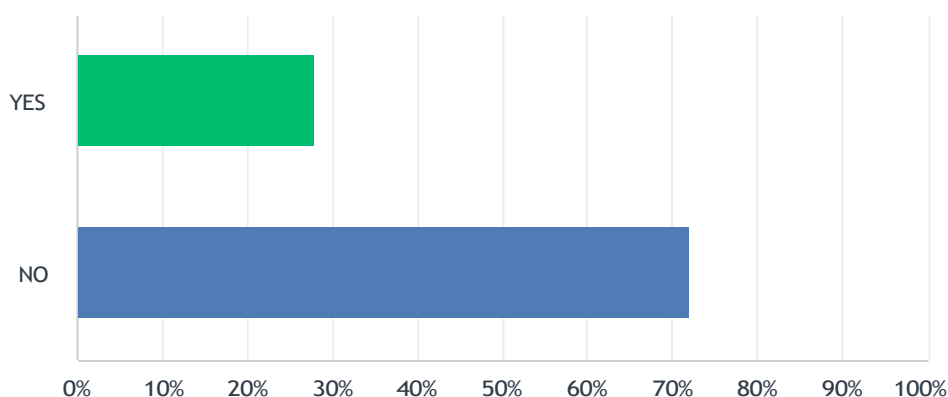
50

25%

10%

**Q5 The present level of Basic Allowance payable to all Councillors is £3,451. Do you think this is appropriate?**

Answered: 25 Skipped: 1



ANSWER CHOICES	RESPONSES	
YES	28.00%	7
NO	72.00%	18
TOTAL		25

**IF NO, SHOULD IT BE LOWER OR HIGHER? PLEASE GIVE A REASON FOR YOUR ANSWER:**

Not in it for the money but should be closer to national average, or move closer in steps.

Higher - that's less than £10 per day, I'm on Licensing and Planning Committees so have at least two extra meetings a month and hours of preparation needed for planning.

It should be higher to attract highly effective people who are suited to be councillors.

Being a District Council carries a weight of responsibility and requires a lot of general knowledge.

This should be much higher, especially to draw attention for those who run their own businesses or have a full time job.

Higher but should be dependent on what committees you sit on.

higher

It should be higher. It doesn't enable working age councillors to take up the role without special work arrangement. The council meetings are mostly during the working day.

Higher. This is an important job, with significant time needed to do it properly. I think there should be realistic remuneration for time given, not least to encourage people who are not retired or independently wealthy to put themselves forward to represent their residents and local businesses.

HIGHER: cllrs are also mortgage payers, energy consumers, food buyers, have families and dependents and are subject to increasing costs of living as everyone else. In addition, the aspiration of attracting younger more diverse members makes it essential to provide a remuneration that can be valued as part of an income.

It should be higher, given the amount of time needed to research, engage with constituents, travel, prepare, and become familiar with legalities and understand what is needed to be done in all varieties of situations. The Lewes District allowance must surely be one of the lowest in the country, especially when compared to places such as Sutton, Brighton, and other Districts. This job, as enjoyable as it is, is very hard work if done well. It cannot be underestimated with effect in personal life, family life, impact on usual day job, health, and other factors any job has on an individual. We are doing things no one else is doing which need to be done for society and our community. A councillor position should never be left only to those of independent wealth and means as continuing with this mindset and circumstance is to the great detriment to society and our communities, and skews who can stand and act, the results of which I would say are playing out across the country.

Higher - it excludes people from taking part.

It should go up due to the cost of living due to the increased detailed workload.

It should be much higher. We need to encourage a much higher percentage of creative, energised young women and men to participate in local politics.

It is lower than almost every other council that I know. It now feels unfairly low.

Higher. Surely the only relevance of an allowance is so that councillors can devote time to their council role that they would otherwise have to spend in paid employment. At the current level this is impossible.

Higher to reflect hours and commitment required.

It should be higher it the second lowest paid council in the country.

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Q6 If you are able to, please indicate an appropriate level £:

Answered: 18      Skipped: 8

£5,000 - below national average but less out of line

40

The average allowance for councillors in the UK is £9, 818. I think this will be fair

Another £1000

N/A

Brighton and Hove councillors are paid over £1000 per month that's a good starting point in my humble.

£4000 then additional payments for committees

5500

£9,500

Basic level £7,000

£12144 - £15695

something more in line with other similar authorities - anecdotally I think this is around £5k

£5,000

£15,000

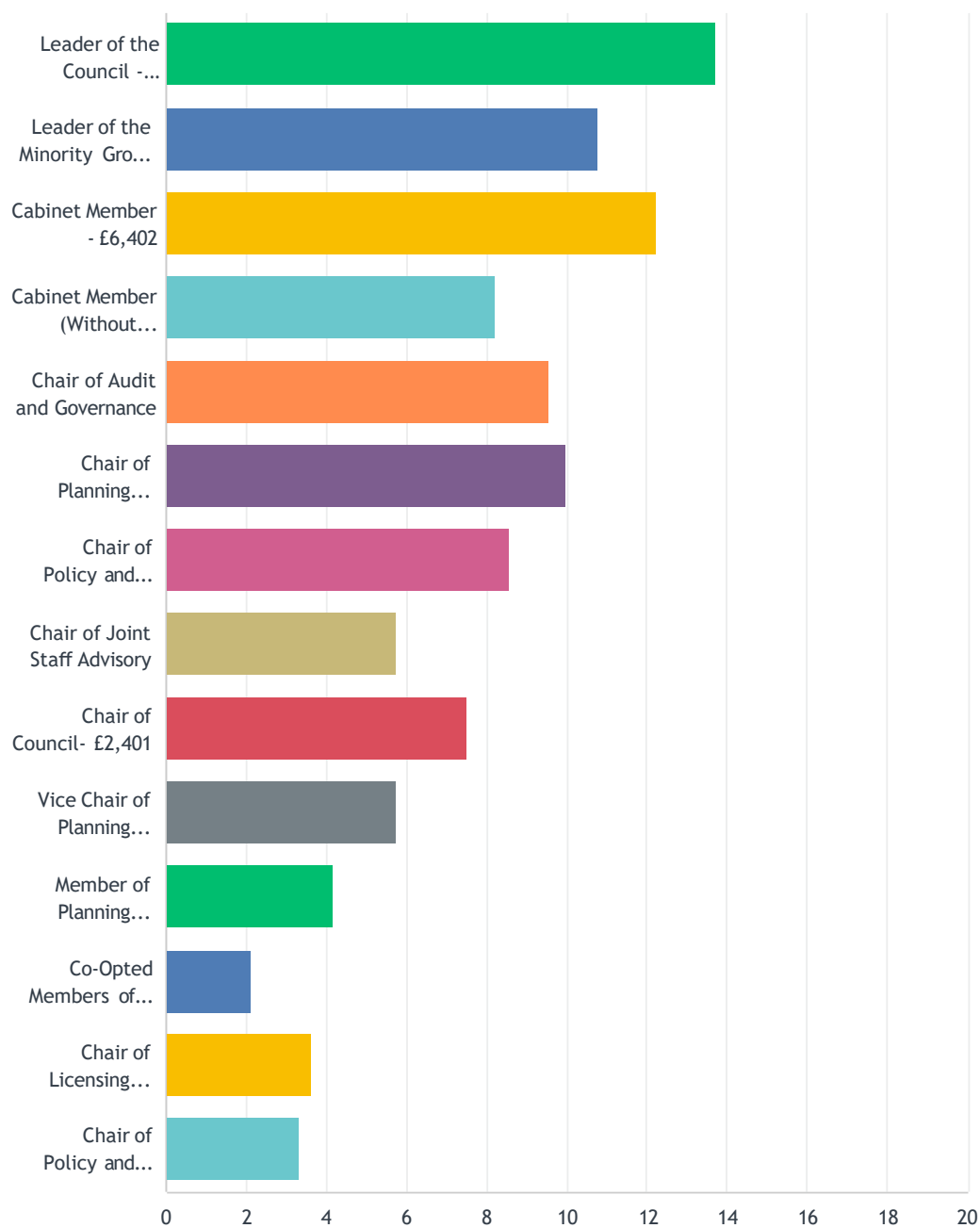
£5000

£7,000

£5 000

Q7 Special Responsibility Allowances (SRAs) are currently paid as follows: [To assist the Panel to produce a more consistent group of allowances, please can you score each role / position in respect of importance and impact, with 1 being the most important.

Answered: 24 Skipped: 2

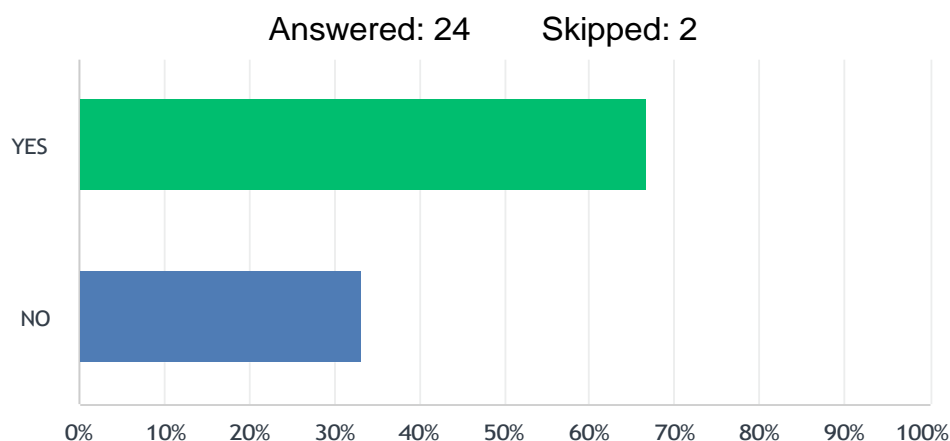




	1	2	3	4	5	6	7	8	9	10	11
Leader of the Council - £16,003	86.96% 20	4.35% 1	4.35% 1	4.35% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0
Leader of the Minority Group - £4,800	0.00% 0	21.74% 5	30.43% 7	17.39% 4	4.35% 1	8.70% 2	4.35% 1	8.70% 2	0.00% 0	4.35% 1	0.00% 0
Cabinet Member - £6,402	4.35% 1	60.87% 14	26.09% 6	0.00% 0	0.00% 0	4.35% 1	0.00% 0	0.00% 0	0.00% 0	4.35% 1	0.00% 0
Cabinet Member (Without Portfolio)- £3,200	0.00% 0	0.00% 0	4.55% 1	27.27% 6	13.64% 3	9.09% 2	9.09% 2	0.00% 0	18.18% 4	4.55% 1	9.09% 2
Chair of Audit and Governance Committee- £4,800	0.00% 0	0.00% 0	0.00% 0	21.74% 5	43.48% 10	21.74% 5	4.35% 1	4.35% 1	0.00% 0	4.35% 1	0.00% 0
Chair of Planning Applications Committee- £4,800	4.35% 1	4.35% 1	13.04% 3	17.39% 4	17.39% 4	21.74% 5	17.39% 4	0.00% 0	0.00% 0	4.35% 1	0.00% 0
Chair of Policy and Performance Advisory Committee- £3,840	0.00% 0	0.00% 0	4.35% 1	4.35% 1	17.39% 4	21.74% 5	26.09% 6	21.74% 5	4.35% 1	0.00% 0	0.00% 0
Chair of Joint Staff Advisory Committee - £1,201	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	20.00% 4	15.00% 3	35.00% 7	10.00% 2	5.00% 1
Chair of Council- £2,401	4.55% 1	4.55% 1	9.09% 2	0.00% 0	4.55% 1	4.55% 1	9.09% 2	27.27% 6	22.73% 5	0.00% 0	0.00% 0
Vice Chair of Planning Applications	0.00% 0	4.76% 1	4.76% 1	0.00% 0	0.00% 0	4.76% 1	0.00% 0	0.00% 0	14.29% 3	52.38% 11	9.52% 2

Committee- £800											
Member of Planning Applications Committee- £576	0.00% 0	0.00% 0	4.76% 1	0.00% 0	4.76% 1	0.00% 0	0.00% 0	4.76% 1	0.00% 0	4.76% 1	38.10%
Co-Opted Members of Audit and Governance and Standards Committee - £34 per meeting	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	9.52%
Chair of Licensing Committee- £65 per meeting	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	9.52% 2	4.76% 1	4.76% 1	4.76% 1	19.05%
Chair of Policy and Performance Advisory (Scrutiny) Panels- £65 per meeting	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	4.55% 1	0.00% 0	13.64% 3	4.55% 1	9.09% 2	9.09%

## Q8 Would you like to see any of these changes made to these allowances?



ANSWER CHOICES	RESPONSES	
YES	66.67%	16
NO	33.33%	8
TOTAL		24

### IF YES, PLEASE PROVIDE DETAILS:

PPAC chair should receive more than AGC chair; Planning and Licensing committee positions should receive more

Planning Committee members need to have a good knowledge of planning issues, which means training and a lot of time spent getting up to speed. This needs to be recognised.

Proportionate to the above average national councillors' allowances

I believe all position are currently being under paid.

Leader of the Council, Chair of Council

Leader should be increased as well as cabinet members

I would do away with Cabinet member w/o portfolio. I would offer Planning members a higher band.

Potentially a bit more funding should be considered for panel and committee chairs because of the preparation and work which goes into doing these roles correctly.

as a cabinet member my allowance feels tiny. Also disproportionate in relation to much higher leader allowance to leader allowance

all chairs to be paid flat rate same

Planning committee work is complex and demanding and needs better remuneration. It won't mend a broken system but it would help attract the right calibre of councillors.

Very difficult to score above as I believe that some are of equal weight but system will not allow that score. I believe that chair of PPAC, Chair of Audit and Chair of PAC are of equal weights

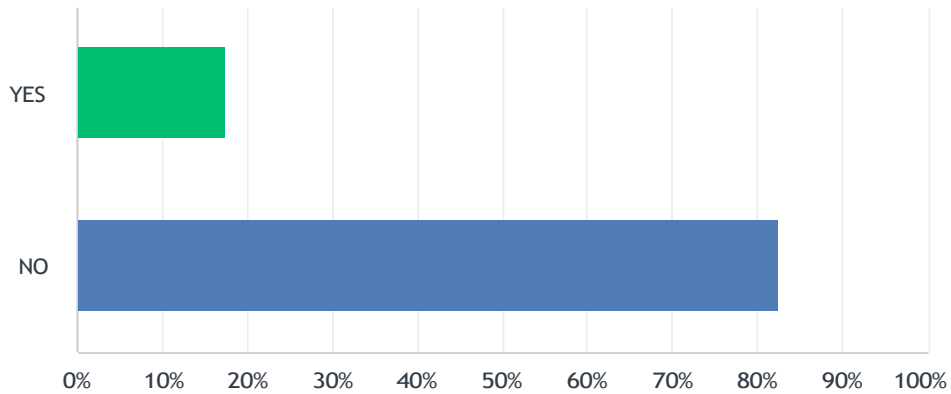
There needs to be more parity with number of meetings per year and each role

A small increase of, perhaps, 10%

The chair of licensing takes up significant amount of time and the pay doesn't reflect it.

## Q9 Would you like to see any new SRAs introduced?

Answered: 23 Skipped: 3



ANSWER CHOICES	RESPONSES	
YES	17.39%	4
NO	82.61%	19
TOTAL		23

### IF YES, PLEASE PROVIDE DETAILS:

Vice Chair of Council. Chair of Licensing Panels.

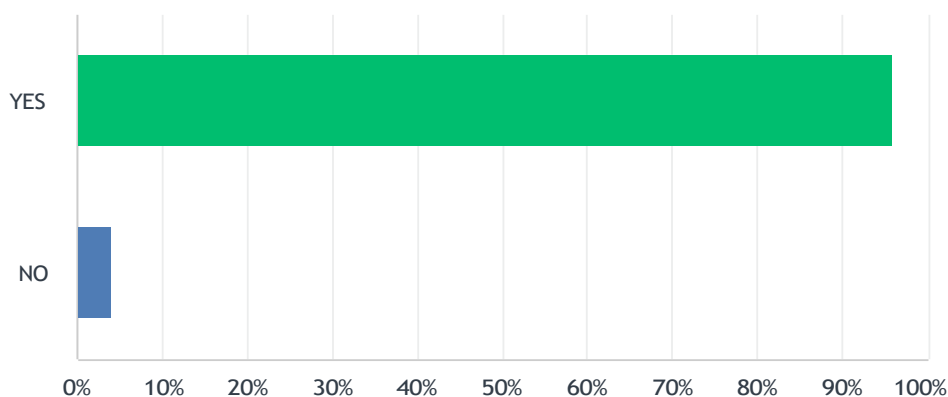
This will attract competent/skilled people to be in local government

basic allowance increase

A formal liaison role between the higher and lower LAs. In some cases, this would involve accompanying the Leader, but with Towns and Parishes, this would be a largely independent role.

## Q10 Dependent Carers' Allowance, for Childcare and Specialist Care - Reimbursed at cost. Do you support this allowance?

Answered: 25 Skipped: 1



ANSWER CHOICES	RESPONSES	
YES	96.00%	24
NO	4.00%	1
<b>TOTAL</b>		<b>25</b>

### IF YES, PLEASE INDICATE RATE AND SEASON:

Not sure

Not sure what you are after here - it is hard to make ad-hoc arrangements for short notice panels and visits etc.

This might encourage younger people to develop interest in becoming councillors.

i do not know rate my reason is it is fair and vital

At cost

WE need a wide variety of of councillors from different backgrounds with different needs everyone should receive the best support possible.

Should be re imbursed actual costs to encourage more diversity

Because without this, we will not see candidates from these groups, and will continue to have over-representation from middle-class, retired men.

It is essential to encourage working parents, mostly women

Many people cannot properly function as as councillor without this allowance. Family life should not be negatively impacted any more than it already is by doing a councillor role. This will help ease the burden both financially and more importantly, arranging care as needed when council duties need to be attended to.

Cost to be reviewed each year

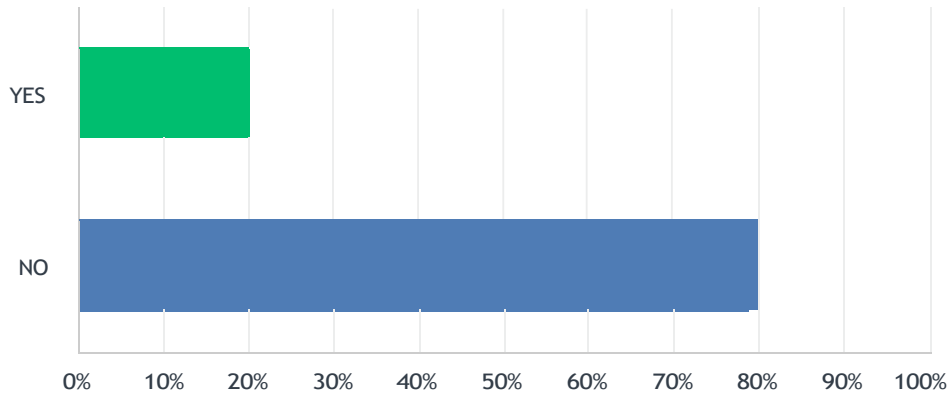
We need to make it easier for young mothers and carers to work in local politics.

There are some councillors with these responsibilities who are on very low incomes

To ensure that those with caring responsibilities are able to fulfil their responsibilities.

Q11 There is a current scheme of travel and subsistence allowances, do you have any comments on the current scheme for Councillors?

Answered: 24 Skipped: 2



ANSWER CHOICES	RESPONSES	
YES	20.83%	5
NO	79.17%	19
TOTAL		24

**IF YES, PLEASE PROVIDE DETAILS:**

I do not see why the payment for car use mileage reduces after a certain number of miles. To me this doesnt make sense. Every mile should be chargeable at the same level.

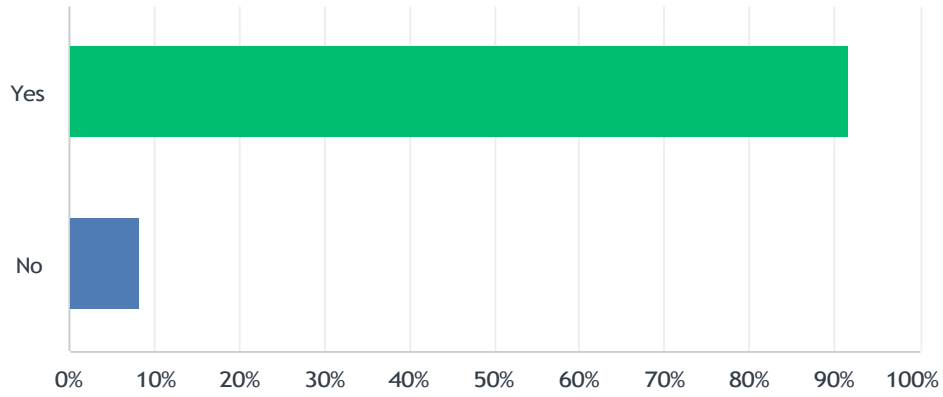
Thank you. I wish I were more organised about claiming.

I think it is mostly fine as is, but a small increase should be considered given the rise in cost of public transport and fuel.

We should give equal allowances for bike travel as car travel - when I use my electric bike the mileage reimbursement is not proportionate to cost of an e-bike/depreciation.

Q12 Parental Leave Policy for Councillors. In 2020 the Council adopted a Parental Leave Policy for Councillors, do you continue to support this policy?

Answered: 24 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	91.67%	22
No	8.33%	2
<b>TOTAL</b>		<b>24</b>

## Q13 If you have any other comments on Members' Allowances, please detail below:

Answered: 6      Skipped: 20

### RESPONSES

The voluntary aspect of being a Councillor still applies but recognition of the additional time it takes to acquire the necessary skills needs to be addressed. The induction process for new Councillors consists of 24 different modules as the basic offering, with additional modules being delivered for any speciality roles. This was a significant amount of time to set aside for the one Council, I am also a Town Councillor.

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I think it's on the basis of fairness.

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I think there is a good effort to professionalise the councillor role, with good training for the job. It should be better recognised that this IS a job, and remunerated accordingly.

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Members should be able to perform their duties without an onerous financial burden when they are not working their normal jobs and have pressures on their time. Members are deeply affected in their family and professional lives when they perform public service, and even though some of the this time is freely given in volunteering for the public good, they need help in performing these duties as well. It should not be the case the only independently wealthy people are most able to be a councillor due to any financial considerations. It puts a strain on public credulity in government and presents a deeply skewed set of people who will actually consider giving of their time and placing strain on their families and professional lives. It is wrong that this issue has gone on for so long and is still present in so many councils around the country and urgently needs to be addressed to help councillors do their work as well as possible for their communities.

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having a fair members allowance is an equalities issue. I am aware of councillors who are really struggling in the cost of living crisis.

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Perhaps they should be increased yearly with average annual pay rises.

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				MINIMUM	£2,808.00	£46,500.00		
				MAXIMUM	£6,948.00	£441,721.00		
				AVERAGE	£5,229.95	£301,076.40		
Council name	Type of council	County area	Population	Basic Allowance for 2023/2024	Overall budget for Member Allowances	Total number of councillors	Percentage of Public Service Discount*, if applicable (%)	Comments on Basic Allowance
Adur District Council	District	West Sussex	65000	£5,279.00	£239,548	29	45%	This is the first time the Council has introduced a public service discount for calculating the basic allowance.
Arun District Council	District	West Sussex	164900	£6,033.00	£404,254	54	30%	This is uplifted in line with staff pay.
Chichester District Council	District	West Sussex	124000	£5,200.00	£296,806	36	0%	n/a
Crawley Borough Council	District	West Sussex	119000	£6,948.00		36		N/A
Eastbourne Borough Council	District	East Sussex	101600	£2,808.00	£46,500	27	N/A	None
Hastings Borough Council	District	East Sussex	95000	£6,429.00	£280,000	32		IRP recommended a freeze on basis allowances due to councils financial situation.
Horsham District Council	District	West Sussex	144000	£5,738.55	£414,395	48	35%	Index linked with officers' payrise. Current amount includes 4.9% increase for 2022/23. Rates for 23/24 remaining as for 2022/23 at present.
Lewes District Council	District	East Sussex	102744	£3,317.00	£241,000.00	41	n/a	n/a
Mid Sussex District Council	District	West Sussex	278016	£5,700.00	£441,721	48		The cost of the amendment to the basic allowance is a net saving of £7,200, with the increase per Councillor being offset by the reduced number of elected Members.
Rother District Council	District	East Sussex	93100	£4,930.00		38		The Basic Allowance may be increased each year at the start of each new civic year in May by agreement.
Wealden District Council	District	East Sussex	160180	£4,846.20	£337,200	45		N/A
Worthing Borough Council	District	West Sussex	100000	£5,530.67	£309,340	37	45%	This is the first year that WBC has used a PSD to calculate it's level of basic allowance.

Previous years' data - did not submit 2022 return

NB: some cells contain notes denoted by a red mark

		MINIMUM	£4,212.00	£2,228.00	£2,808.00	£0.00	£1,630.00	£1,047.00	£0.00	
		MAXIMUM	£22,800.00	£11,400.00	£9,120.00	£9,120.00	£4,800.00	£5,726.00	£1,583.00	
		AVERAGE	£14,081.76	£6,868.69	£6,465.09	£3,966.12	£3,452.89	£2,691.44	£566.17	
Council name	Type of council	County area	Population	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Cabinet Member / Non Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee
Adur District Council	District	West Sussex	65000	£15,837.00	£8,710.00	£7,127.00	£0.00	£3,318.00	£3,167.00	£1,583.00
Arundel District Council	District	West Sussex	164900	£6,294.00	£2,228.00	N/A	N/A	£4,127.00	£4,402.00	£1,320.00
Brighton & Hove City Council	City	East Sussex	254000	£15,500.00	£8,150.00	£7,400.00	£7,400.00	£4,800.00	£4,300.00	N/A
Brighton District Council	District	West Sussex	119000	£16,679.00	N/A	£8,339.00	N/A	£2,781.00	£5,726.00	£0.00
Eastbourne Borough Council	District	East Sussex	101600	£4,212.00	£2,808.00	£2,808.00	£2,808.00	N/A	£1,404.00	N/A
Hastings Borough Council	District	East Sussex	95000	£12,861.00	£8,364.00	£6,945.00	£3,467.00	£3,216.00	£1,047.00	£0.00
Horsham District Council	District	West Sussex	144000	£16,350.80	£9,362.30	£7,642.00	N/A	£2,659.20	£2,659.20	N/A
Lewes District Council	District	East Sussex	102744	£15,382.00	n/a	£6,153.00	£3,076.00	£4,614.00	£62 per meeting.	n/a
Mid Sussex District Council	District	West Sussex	278016	£22,800.00	£11,400.00	£9,120.00	£9,120.00	£3,420.00	£1,140.00	£0.00
Rother District Council	District	East Sussex	93100	£14,814.00	£4,938.00	£3,259.00	£0.00	£1,630.00	£1,630.00	£494.00
Wealden District Council	District	East Sussex	160180	£14,169.60	£5,857.92	£5,857.92	£5,857.92	£3,963.72	£1,439.16	N/A
Worthing Borough Council	District	West Sussex	100000	£16,592.00	£9,125.00	£7,466.00	£0.00	£3,318.00	£4,148.00	£1,037.00

	£0.00	£2,106.00	£0.00	£0.00	£1,404.00	£0.00	£0.00	£0.00	£2,308.00
	£275.00	£7,125.00	£2,771.00	£1,404.00	£7,461.00	£2,074.00	£1,436.00	£0.00	£9,158.00
	£63.96	£5,006.45	£1,366.10	£478.75	£4,232.29	£1,033.33	£287.20	£0.00	£5,205.89
Council name	Members of Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Working/ Joint Committee	Chair/Civic Mayor
Adur District Council	£0.00	£5,543.00	£2,771.00	£0.00	£4,148.00	£2,074.00	£0.00	£0.00	£3,167.00
Arun District Council	£275.00	£6,604.00	£2,180.00	£825.00	N/A	N/A	N/A	N/A	£9,158.00
Chichester District Council	n/a	£6,350.00	N/A	N/A	£5,050.00	N/A	N/A	N/A	£5,000.00
Crawley Borough Council	£0.00	£6,948.00	£0.00	£0.00	£7,461.00	£0.00	£0.00	£0.00	£6,679.00
Eastbourne Borough Council	N/A	£2,106.00	N/A	£1,404.00	£1,404.00	N/A	N/A	N/A	£2,808.00
Hastings Borough Council	£108.77	£3,861.00	£1,413.00	£1,047.00	£3,216.00	£630.00	£0.00	£0.00	£6,840.00
Horsham District Council	N/A	£4,196.00	£1,410.90	N/A	£5,570.20	£1,862.00	£1,436.00	N/A	£5,570.20
Lewes District Council	n/a	£4,614.00	£769.00	£554.00	£3,691.00	n/a	n/a	n/a	£2,308.00
Mid Sussex District Council	£0.00	£7,125.00	£1,781.00	£0.00	£4,560.00	£1,140.00	£0.00	£0.00	£7,410.00
Rother District Council	£0.00	£3,259.00	£494.00	£0.00	£3,259.00	£494.00	N/A	N/A	£3,300.00
Wealden District Council	N/A	£4,464.96	£1,476.00	N/A	£3,963.72	N/A	N/A	N/A	£5,024.64
Worthing Borough Council	£0.00	£5,807.00	£1,451.00	£0.00	£4,148.00	£1,037.00	£0.00	£0.00	£3,318.00

	£550.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£75.00		
	£3,021.00	£4,750.00	£1,659.00	£1,569.52	£0.00	£5,360.00	£1,436.00			
	£1,708.28	£2,806.19	£542.59	£402.79	£0.00	£2,119.67	£739.71			
Council name	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader	Opposition Spokesperson	Committee Chair	Independent Person Allowance	Independent Person (Audit)	Do you operate the '1 SRA per councillor' rule?	Do you operate the 50% rule?
Adur District Council	£1,583.00	£3,959.00	£1,659.00	£0.00	£0.00	N/A	£75.00	£0.00	No	Yes
Arundel District Council	£3,021.00	£4,312.00	N/A	£107.00	N/A	£5,360.00	£528.00	N/A	No	No
Brighton & Hove City Council	n/a	£4,750.00	N/A	N/A	N/A	N/A	N/A	N/A	Yes	No
Brighton & Hove City Council	£1,002.00	£2,570.00	£0.00	£0.00	£0.00	N/A	£750.00	£750.00	Yes	No
Eastbourne Borough Council	£1,404.00	£2,106.00	£1,404.00	N/A	N/A	N/A	£1,000.00	£1,000.00	Yes	No
Hastings Borough Council	£2,235.00	£1,569.52	£192.52	£1,569.52	£0.00		£612.00	£0.00	No	No
Horsham District Council	£1,867.20	£4,045.50	N/A	N/A	N/A	£2,659.20	£1,436.00	N/A	No	No
Lewes District Council	n/a	£4,616.00	n/a	n/a	n/a	n/a	£1,000.00	n/a	Yes	no
Mid Sussex District Council	£2,470.00	£0.00	£0.00	£250.00	£0.00	£1,140.00	£750.00	N/A	Yes	No
Rother District Council	£550.00	£1,630.00	£0.00	£494.00	£0.00	£0.00	£379.00	£954.00	Yes	No
Wealden District Council	£1,242.36	£1,310.04	N/A	£399.00	N/A	£1,439.16	£867.12	N/A	Yes	No
Worthing Borough Council	£829.00	£4,148.00	£1,037.00	£0.00	£0.00	£0.00	£75.00	£0.00	Yes	No

Council name	Type of council	County area	Population	Travelling/mileage (pence per mile)	Bicycle mileage (pence per mile)	Subsistence allowance	Carers' allowance
Adur District Council	District	West Sussex	65000	£0.45	£0.00	<p>Breakfast £4.82 (90%) £3.73 Lunch £11.72 (90%) £10.66</p> <p>Tea £4.64 (90%) £4.18 Evening Meal £4.51 (90%) £4.06</p> <p>APPENDIX E TRAVEL AND DISTURBANCE ALLOWANCES</p> <p>Excess Travelling Expenses £1.10 (40%) £0.66 Lodging Allowances £74.22 (40%) £29.69 Advertising Costs £34.03 (40%) £13.61 Tenancy Costs £23.58 (40%) £9.43 Disturbance Allowance £577.19 (40%) £230.88 OUT OF POCKET EXPENSES Per night £5.52 (37%) £2.04 Per week £26.17 (37%) £9.79 MEAL CHARGES FOR RESIDENTIAL AND ALLIED STAFFS</p> <p>Breakfast £0.98 (1.20%) £0.99 Dinner/Main Meals £1.72 (1.20%) £1.74 Tea £0.49 (1.20%) £0.50 Snack Supper £0.79 (1.20%) £0.80 % changes are based on the March RPI figures .</p>	The Dependent Persons Carer Allowance and both Child Carer Allowance should be based at cost upon production of receipts. In the case of specialist care a requirement of medical evidence that this type of care be required, the allowance should have no daily or monthly maximum claim when undertaking Approved Councilor Duties.
Arun District Council	District	West Sussex	164900	£0.45	£0.20	<p>Breakfast - £6.98 (where travel has started, absence less than 24 hours, leaving home before 7 am) Lunch - £9.63 (for necessary absences of several hours spanning the normal lunch period leaving before 11.00 am and not returning until after 3.00 pm) Tea - £3.82 (unable to arrive home before 6.30 pm) Evening Meal - £11.94 (unable to arrive home before 8.30 pm) Out of pocket expenses for residential courses - £6.38 per night or £25.48 per week Overnight Accommodation - £106.91</p>	£10 per hour for childcare [up to a limit of £4k per annum] Dependent Adult Allowance [maximum of the Home Care Allowance rated paid by West Sussex County Council [£18.49] up to a limit of £6k per annum
Chichester District Council	District	West Sussex	124000	£0.65	£0.20	<p>Breakfast -£8.68 (where travel starts before 7am and absence is less than 24 hours) (ii) Lunch -£11.90 (for necessary absences of several hours spanning the normal lunch period leaving home/ office before 11am and returning after 3pm) (iii) Tea -£4.74 (if unable to return to home/office by 6.30pm) (iv) Evening Meal -£14.38 (if unable to return to home/office by 8.30pm) (v) Out of Pocket Expenses for residential courses -£6.73 per night.</p>	£10 an hour

Council name	Type of council	County area	Population	Travelling/mileage (pence per mile)	Bicycle mileage (pence per mile)	Subsistence allowance	Carers' allowance
Crawley Borough Council	District	West Sussex	119000	£0.45	£0.20	Afternoon - £3.53 / evening - £11.03 (same as officer rates)	£10.52/hr (10p above National Living Wage)
Eastbourne Borough Council	District	East Sussex	101600	£0.45	£0.20	Breakfast - £7.13 (4 hours or more away from home, event starting before 7.30 am) Lunch - £9.78 (4 hours or more away, including noon to 2 pm) Tea - £4.44 (4 hours or more away, ending after 6.30 pm) Evening meal (1) - £17.80 (4 hours or more away from home, ending after 8.30 pm) Evening meal (2) - £41.52 - When taken as part of an overnight stay.	Actual costs necessarily incurred.
Hastings Borough Council	District	East Sussex	95000	£0.45	20p	Breakfast £6.88 Lunch £9.50 Dinner £11.76	£10.90 per hour
Horsham District Council	District	West Sussex	144000	£0.45	£0.20	hardly ever claimed for: current rates Breakfast £6.45 Lunch £8.91 Tea £3.53 Dinner £11.03	£9.50 per hour (equal to Living Wage rate)
Lewes District Council	District	East Sussex	102744	£0.45	£0.20	In exceptional circumstances in line with staff rates, with receipts.	At actual cost, with receipts
Mid Sussex District Council	District	West Sussex	278016	£0.45	£0.20	Breakfast - £7.00 Lunch - £10.00 Tea - £4.00 Evening Meal - £13.00	Childcare Allowance to be payment of receipt-based actual costs up to a maximum rate of £11 per hour for one child, or a maximum of £22 per hour for two or more children. Dependent Carer's allowance is on receipt-based actual costs, up to a maximum rate of £22 per hour.
Rother District Council	District	East Sussex	93100	£0.45	£0.20	Breakfast £6.10 Lunch £8.50 Tea £3.60 Dinner £12.10	£14.00 - dependants £10.42 - childcare

Council name	Type of council	County area	Population	Travelling/mileage (pence per mile)	Bicycle mileage (pence per mile)	Subsistence allowance	Carers' allowance
Wealden District Council	District	East Sussex	160180	£0.45	£0.20	Breakfast £7.15 (When away from home on approved Council business before 8 a.m.) Lunch £9.35 (When away from home on approved Council business between 12 noon and 2 p.m.) Evening Meal £16.50 (When away from home on approved Council business after 7 p.m.) Subsistence for overnight absence – Other than London or specified conferences - £94. Subsistence for overnight absence – In London or specified conferences - £105.	Up to £12 per hour
Worthing Borough Council	District	West Sussex	100000	£0.45	£0.00	Breakfast 8.48% 8.73 Lunch 11.72% 12.06 Tea 6.64% 6.78 Evening Meal 14.51% 14.93 APPENDIX E TRAVEL AND DISTURBANCE ALLOWANCES Excess Travelling Expenses 5.10% 5.22 Lodging Allowances 174.22% 178.40 Advertising Costs 34.03% 44.44 Tenancy Costs 23.58% 36.15 Disturbance Allowance 2577.19% 2639.04 OUT OF POCKET EXPENSES Per night 5.55% 6.70 Per week 6.17% 6.79 MEAL CHARGES FOR RESIDENTIAL AND ALLIED STAFFS Breakfast 0.98% 0.99 Dinner/Main Meals 1.72% 1.74 Tea 0.49% 0.50 Snack Supper 0.79% 0.80 % changes are based on the March RPI figures	money is reimbursed at cost

Council name	IT allowance	Any other allowances	Maternity/parental leave
Adur District Council	Councillors are provided with a device upon collection		0 All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972 If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided. If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance and any Special Responsibility Allowance will cease from the date they leave office.
Arun District Council	N/A	Substitute Member of Planning Committee £330 Chair of Standards - £1,100 Chairs and Vice-Chairs of 6 Service Committees £5,360 and £1,768 these being: Policy & Finance Corporate Support Planning Policy Housing & Wellbeing Environment Economy	N/A
Chichester District Council	n/a	n/a	24 weeks



Council name	IT allowance	Any other allowances	Maternity/parental leave
Crawley Borough Council	0 - but laptops and/or mobile phones provided	N/A	N/A
Eastbourne Borough Council	£429.00	Reserve Member of Planning Committee - £702 Chair of a licensing sub-cttee - £93 per meeting Ordinary member of a licencing sub-cttee - £62 per meeting	Parental leave - - Cllrs shall receive basic allowance in full for period up to 6 months due to maternity, paternity, adoption shared parental leave or sickness absence. Cllrs receiving an SRA will continue to receive this in full for 6 months. If a replacement is appointed to the role covered by the SRA they will receive the SRA pro rota for the period covered.
Hastings Borough Council		0 n/a	same as officers
Horsham District Council	N/A - iPads supplied	Representatives on outside bodies; £52.50 per meeting for approved representatives (excluding Parish Councils or where Cllr is paid by host organisation).	N/A
Lewes District Council		437 £63 per meeting for Chair of Licensing Sub-Cttee or Scrutiny Panel. Members of Licensing Sub-Ctttes paid £334 pa if do 13-26 meetings, £829pa for 27-40 meetings, £1105 pa for 41 or more meetings.	Parental Leave All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence. SRA for 6 months for same. Replacement rep can claim SRA during six month absence on pro rota basis.
Mid Sussex District Council	£0	£0	0
Rother District Council		0 Member Champions / spokespersons (non-Cabinet Members) £494.00	0

Council name	IT allowance	Any other allowances	Maternity/parental leave
Wealden District Council	N/A	Chair and Deputy Chair of the Council receives an additional £1,002 and £300 respectively under Section 3 of the LGA 1972	N/A
Worthing Borough Council	Cllrs are supplied with a device upon election		<p>0 Parental Leave All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972 If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided. If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance and any Special Responsibility Allowance will cease from the date they leave office.</p>

Council name	Type of council	County area	Population	How are current levels of SRA calculated? Please provide a brief summary (eg as a percentage of the Leader's SRA)	Date current allowances were approved?	Date of your next review	Have your allowances been updated since last year, or frozen?	Other	Have you established a formula for updating the allowances annually?	If 'yes' please detail
Adur District Council	District	West Sussex	65000	percentage of leaders	20/02/2024	02/08/2024	Updated		Yes	indexed to njc
Arun District Council	District	West Sussex	164900	By reviewing workload of each role that attracts an SRA under Committee form of governance	13/01/2021	13/03/2024	Other (please specify)	All SRAs were increased in line with staff pay as well as the Basic Allowance	Yes	They increase in line with national pay award
Chichester District Council	District	West Sussex	124000	SRA level is calculated by the panelist by examining the relevant responsibility and obligations of each role as well as carrying out a comparison exercise regionally with other authorities and also by wider comparison work using employment data	17/05/2023	01/05/2024	Frozen		No	N/A
Crawley Borough Council	District	West Sussex	119000	Considered by an IRP - evidence based on workloads, consultation with councillors/chairs, other authorities' rates etc	19/10/2022	01/06/2026	Other (please specify)	All allowances increased by 5% for 2023/24 in line with the Council's increase in fees and charges	Yes	Historically the officers' pay increase had been used as the annual indexation for councillors' allowances - in its absence this year the IRP chose to use the Council's increase in fees and charges as a guide for the councillors' percentage increase.
Eastbourne Borough Council	District	East Sussex	101600	Unknown	01/04/20	17/10/23	Frozen		No	

Council name	Type of council	County area	Population	How are current levels of SRA calculated? Please provide a brief summary (eg as a percentage of the Leader's SRA)	Date current allowances were approved?	Date of your next review	Have your allowances been updated since last year, or frozen?	Other	Have you established a formula for updating the allowances annually?	If 'yes' please detail
Hastings Borough Council	District	East Sussex	95000	IRP recommendations, raised in line with Officer salary previously. Due to inflation rates the allowances are now calculated separately	26/04/2023	15/11/2023	Frozen		No	n/a
Horsham District Council	District	West Sussex	144000	Benchmarked against comparator local authorities and public bodies. Interviews with cross-section of Cllrs and senior officers. Questionnaire to all Cllrs to get their views and hours of work undertaken. review of organisational changes.	22/02/2023	07/04/2025	Frozen		Yes	All allowances (apart from Travel and Subsistence) index linked to any staff percentage increase. (last year's lump sum increase was calculated at a 4.9% increase)
Lewes District Council	District	East Sussex	102744	Uplift on previous values.	21/02/22	01/04/24	Updated by index		Yes	Based on staff pay uplift, average of pay award.
Mid Sussex District Council	District	West Sussex	278016	By an Independent Remuneration Panel. The SRA's are linked to the Basic Allowance in the following way: Leader's allowance = 4 times the basic allowance Deputy Leader = 2 times the basic allowance Cabinet Members = 1.6 times the basic allowance Chairman = 1.3 times the basic allowance	26/07/2023	26/03/2024	Updated		Yes	As above, the SRA's are a linked to the basic allowance.
Rother District Council	District	East Sussex	93100	Based on ratios.	20/02/2023	26/11/2023	Updated		No	? I answered no to this, so no answer necessary?
Wealden District Council	District	East Sussex	160180	Assessment of time spent on council business	22/02/2023	21/02/2024	Updated		Yes	Remuneration Panel Review annually
Worthing Borough Council	District	West Sussex	100000	Percentage of Leader's allowance	23/02/2023	02/08/2026	Updated		Yes	raised inline with the NIC over four years

Council name	How did you recruit your Independent Remuneration Panellists? If you advertised, please state where.	What rate of pay do Independent Remuneration Panellists receive?	Please detail any recent changes to the structure within your authority (including number and/or political persuasion of members involved)	Is the Leader full-time?	If the Leader is not full time, please detail the number of hours worked on average per week	Please detail the number of hours your Cabinet members work on average per week	Please detail any significant changes made to SRAs	Please detail the size and composition of your authority's Overview and Scrutiny committee(s) and panels.
Adur District Council	social and traditional print media	£75 per meeting (£100 for the chair)	additional executive sub-committee	If not, please detail the number of hours worked on average per week	N/A	N/A	N/A	8 members out of 16 jointly with wbc 8 members on Adur OSC
Arun District Council	Council's Web Page Advert in the local press Council's Business Partnership magazine HR web page - job advertisements	£60 per meeting attended	Arun moved to a Committee form of Governance in May 2021 Since 2019 the political persuasion has changed 3 times.	Yes		Under a committee system we do not have Cabinet Members - a review is currently underway on the allowances scheme under a Committee structure and so the number of hours each Committee Chair works will be confirmed as part of that review.	N/A	We do not have any Scrutiny Committee
Chichester District Council	Public advertisement in local newspaper and on the Council website	~£50 for each meeting per panelist	Lib - 25 Con - 5 Local Alliance - 4 Green - 2	Yes		Variable	n/a	11 Members (excluding members of the Cabinet and the Chairman of the Council) based on political proportionality
Crawley Borough Council	Local businesspeople/community leaders e.g. police, school governors	£150	N/A	Yes		N/A	N/A	1x Overview and Scrutiny Commission (11 members). Currently no live Scrutiny Panels.
Eastbourne Borough Council	Chair from SEE. Other panel members - advertised and asked for recommendations from neighbouring authorities.	SEE rate for Chair, £100 per day + expenses for other panel members.	19 Lib Dem, 8 Cons (changed in May from 17 Lib Dems, 7 Conservative, 3 Independent)	No	We do not record that information.	We do not record that information.	None	Scrutiny Cttee - 8 members (5 Lib Dems, 3 Conservatives). Opposition member in the chair.

Council name	How did you recruit your Independent Remuneration Panellists? If you advertised, please state where.	What rate of pay do Independent Remuneration Panellists receive?	Please detail any recent changes to the structure within your authority (including number and/or political persuasion of members involved)	Is the Leader full-time?	If the Leader is not full time, please detail the number of hours worked on average per week	Please detail the number of hours your Cabinet members work on average per week	Please detail any significant changes made to SRAs	Please detail the size and composition of your authority's Overview and Scrutiny committee(s) and panels.
Hastings Borough Council	Ask other LA's, advertise in the community	£2000 Chair, other member £1500	Restructure of senior managers. hung council with 15 Labour, 11 Conservative, 5 Green and 1 Reform UK	Yes		16	None	11 members on 1 committee
Horsham District Council	Advertised on website. Two were interviewed and recruited who had been previously interviewed for the Independent Person role the year before.	£700 for last full review (2021) Interim review rate tbc	Change of administration in May 2023 - from Conservative majority to Liberal Democrat majority. No structure changes though Cabinet has one fewer member.	If not, please detail the number of hours worked on average per week	Unknown. He is continuing in employment elsewhere on a part-time basis	Unknown.	N/A	15 members. 9 Lib Dem, 3 Conservatives, 2 Green, 1 Independent. Task & Finish Groups ad hoc, normally 3 or 4 members.
Lewes District Council	Chair from SEE, Panel members by advert and recommendations from neighbouring councils.	Chair - SEE rates, Other panel members £100 a day.	Since May 2023- Administration of 17 Green and 9 Labour Councillors. 15 Liberal Democrats in opposition. Previously Administration of 9 Lib Dem, 8 Green, 4 Labour and 1 Ind, 18 Conservatives in opposition and 1 Independent.	Yes	Data not collected.	Not recorded	None	The policy and performance advisory committee has 11 Members - 4 Green, 4 Lib Dem, 3 Labour. Chaired by opposition member.
Mid Sussex District Council	Advertised on own website, through Town and Parish Council's and external advertising sites.	£700 pa	There has been a reduction of total number of Members from 54 to 48. This comprises 20 Liberal Democrat, 18 Conservative, 4 Green, 4 Independent Group, 1 Burgess Hill Independent and 1 Labour.	Yes		Unquantifiable.	The increase remains based on the same link to the basic allowance as in the previous year.	There are 2 Scrutiny Committees with 11 Members on each. The composition of Members is politically balanced.
Rother District Council	On website only and via parish / councillor networks	Fee for work as agreed 4 meeting @90 per meeting and one training session @ 90.	None since elections in May 2023. The allowances were only set for 1 year - the IRP will be reconvened in the Autumn to look at allowances for next year and hopefully set for the remainder of the term of office.	If not, please detail the number of hours worked on average per week	unknown	unknown	None significant - changes to opposition group leader - flat rate rather than amount per member. New allowance for V-C of planning committee.	One OSC 12 Members. NO standing panels - task and finish groups as and when.
Wealden District Council	3-year appointment	£280 per year	N/A	If not, please detail the number of hours worked on average per week	Not recorded	Not recorded	N/A	1 Committee consisting of 12 members
Worthing Borough Council	via social media and traditional print media	£75 per meeting (£100 for the chair)	additional executive committees to reflect differences across partner authorities	If not, please detail the number of hours worked on average per week	N/A	N/A	the SRA's were given a thorough review and a number were changed significantly.. most notably the vice Chair of committees were reduced	8 members from WBC along with 8 members from ADC fo joint arrangements. 16 members on WBC Scrutiny Committee

# Members' Allowances 2023/2024

Recipient	Annual amount £	No
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<b>Basic Allowance:</b>		
All Councillors	£3585	41

<b>Special Responsibility Allowances:</b>		
Chair of the Council	£2494	1
Leader of the Council	£16624	1
Deputy Leader of the Council	£6650	1
Other Cabinet Members	£6650	6
Chair of Audit and Governance Committee	£4986	1
Chair of Joint Staff Advisory Committee	£1248	1
Chair of Policy and Performance Advisory Committee	£3989	1
Chair of PPA (Scrutiny) Panels	£68 per meeting	1
Chair of Licensing Committees	£68 per meeting	1
Chair of Planning Applications Committee	£4986	1
Vice-Chair of Planning Committee	£831	1
Other Members of Planning Committee:	£598	9
Leader of the Largest Opposition Group	£4986	1

Members of Licensing Sub-Committees and/or Scrutiny Panels	0 – 12 meetings – zero 13 – 26 meetings – 598 per annum 27 – 40 meetings – 895 per annum 41 + meetings – 1195 per annum
Members of a Standards Panel	£35 per meeting to a maximum of £160 per annum
Dependent Carers' Allowance	The Dependants Carers' Allowance is based on two criteria, general childcare and specialist care. Rate one for childcare will be paid at the market rate, reimbursed upon production of receipts, with no monthly maximum claim. Rate two will be paid for specialist care based at cost upon production of receipts and requiring medical evidence that this type of care is required. There should also be no monthly maximum claim.

Members Mileage Allowance	<p>£0.45 per mile</p> <p>(£0.05 per mile for each passenger – carried to the same approved duty)</p> <p>£0.24 per mile (motorcycle) £0.20 per mile (bicycle)</p>
IT Allowance	£473 per annum
Indexing	All allowances to members including basic, special responsibility and IT allowances are subject to indexation in line with percentage increase in staff salaries up until 2024.

**No one Councillor shall receive more than one Special Responsibility Allowance**



## Motion - Support for Zane's Law

Submitted by Councillor Makepeace

### Preamble

The current UK regulations with regard to toxic waste disposal and the danger to human life, to our environment, and to the planet as a whole, from both historic landfill sites and currently approved landfill sites operating the 'dry tomb' principle, are dangerously inadequate. Especially so, in the face of climate breakdown, with rising sea levels, increased rainfall, and widespread flooding.

In 2014, 7-year-old Zane Gbangbola died, and his father was paralysed with a diagnosis of hydrogen cyanide (HCN) poisoning, during catastrophic flooding in the UK. It is understood that flood water passing through a historic landfill site carried HCN into Zane's home, and this was detected there at high levels by the Fire and Rescue Services on the night of the tragedy. This is expected to be the subject of an Independent Panel Inquiry.

'Zane's Law' seeks to address the crisis of contaminated land in the UK, reinstating legislative provisions removed by successive governments from the 1990 Environment Protection Act, and recognising the *Human Right to a Healthy Environment*, approved by the UN General Assembly, in July 2022.

Therefore, '**Zane's Law**' **proposes** that the following measures be adopted into legislation by the Government, to prioritise the protection and safety of people and planet, and the human right to a healthy environment. The legislation if passed would likely include:

1. Each relevant Local Authority must keep a full, regularly updated Register of Land that may be contaminated within their boundary.
2. The Environment Agency must keep a full, public 'National Register of Contaminated Land' to be regularly updated by information from Local Authorities.
3. All above mentioned Registers of Land must be accessible and available for inspection by the General Public.
4. Relevant Local Authorities must inspect any land registered that may be contaminated and must fully remediate or enforce remediation of any land which poses harm to public safety, or which pollutes controlled waters\*.
5. Relevant Local Authorities must be responsible for inspecting previously closed landfill sites and fully remediating them or enforcing their remediation when they pose a risk of significant harm to people or controlled waters.
6. The Government must take full responsibility for providing the necessary funds for Local Authorities to meet these new requirements, following the '*polluter pays*' principle: to recover costs as appropriate where those responsible for the pollution can be identified.

These measures are not all in place currently and would require significant investment and full funding from the Government to be implemented. These must take account of other statutory requirements (such as data protection provisions).

### Motion

This Council therefore resolves:

To write to the Prime Minister, the Secretary of State for Health, and the Secretary of State for the Environment, Food and Rural Affairs to express the Council's support for new legislation on contaminated land based on the proposed principles of 'Zane's Law', to request that these ministers support Baroness Natalie Bennett, by all possible means, in her efforts to advance 'Zane's Law' through the House of Lords, and that the Government provides all necessary funds for Local Authorities and others to meet the requirements of any new legislation.

\* Controlled waters are groundwater or surface water intended for human consumption.

## **Motion - Giving Lewes District's children the best start in life**

Submitted by Councillor MacCleary

### **Pre-amble**

The two-child limit, introduced by the Conservative Government in 2017, restricts support in Universal Credit and tax credits to two children in a family.

Analysis by the Child Poverty Action Group shows that 900,000 children living in poverty in England do not currently qualify for free school meals because the Conservative Government introduced an arbitrary £7,400 household income threshold in 2018.

According to Child Poverty Action Group research 25% of children in Lewes District are living in poverty with over 1,600 children impacted by the two-child cap.

A new report by the Commons Education Select Committee warns mental health problems and cost-of-living pressures on families are among the complex reasons for increased absenteeism.

Scrapping the two-child limit is the most cost-effective way to reduce child poverty. It would lift 250,000 children out of poverty and mean 850,000 children are in less deep poverty.

The work undertaken by Lewes District Council since 2019 to support some of the most financially vulnerable residents of our District – for example via the “Safety Net” fund and the Council Tax Reduction Scheme.

That the Council is proud to be taking these steps but it also needs central government to step in and support families on the breadline across our District.

### **Motion**

Therefore, the Council resolves:

To ask the Leader to write to the UK Government calling on the Government to scrap the two-child benefit cap and requesting that the Members of Parliament representing Lewes District support this call.

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# Calendar of Meetings

## May 2024 - May 2025



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MEETING:	Day	Time	May 2024	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2025	Feb	Mar	Apr	May
Annual Council	M	6pm	20												19
Council	M	6pm	20		22		30 ++ (Res)		18			24			19
Cabinet	Th	2.30pm		6	11		26		7	5		6	20		
Policy and Performance Advisory Committee	Th	5pm	30		4		19	31	28		30		13		
Planning Applications Committee	W	5pm		12	10	7	4	9	6	4	8	5	12	9	
Licensing Committee***	Th	5pm		13						12					
Audit and Governance Committee	M	5pm			1		9		11				3		
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												
Other			PCC Elections		LGA Ann Conf 2-4										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 Lewes (L) and Eastbourne (E).

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

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

++Full Council meeting on 30 September 2024 is a reserve date – it will be used only if needed.

Agenda Item 13

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# Agenda Item 17

## Outside Bodies – Reports from Councillors

The following updates have been received from Councillors in relation to the outside bodies to which they have been appointed by Full Council, since the last meeting.

	<b>Outside Body</b>	<b>Councillor</b>	<b>Update</b>
1	Lewes Citizen's Advice Bureau	Imogen Makepeace	<p><u>Date of meeting:</u> 15 January 2024</p> <p><u>Business discussed:</u> CAB asked for arrangements similar to those set up with the income optimisation team and benefits team to be set up with the housing and homelessness prevention teams.</p> <p>These regular video calls help CAB to support residents with the increasingly complex needs they present.</p> <p><u>Decisions made:</u> Officers have responded enthusiastically to the suggestion of relationship building with the housing and homelessness prevention. A date has been set for the first one.</p>
2	Aspiration Homes (AHLLP)	Zoe Nicholson	<p><u>Date of meeting:</u> 11 January 2024</p> <p><u>Business discussed:</u> Q2 Financial Performance Rental Increase Rent Arrears Q2 Tenancy Management and Compliance</p> <p><u>Decisions made:</u> AHLLP - Delegated Authority to the Director of Regeneration and Planning and Chief Finance Officer to set rents, in consultation with Councillors Zoe Nicholson and Stephen Holt.</p>
3	Greater Brighton Economic Board (GBEB)	Zoe Nicholson	<p><u>Date of meeting:</u> September 2023</p> <p><u>Business discussed:</u> Since September, there has only been one Board meeting, but that was a closed (non-public) session so no official decisions were made.</p> <p><u>Date of meeting:</u> 6<sup>th</sup> February 2024</p> <p><u>Business Discussed:</u></p> <ul style="list-style-type: none"> <li>• LEP dissolution update</li> <li>• Sussex Energy Self Reliance</li> <li>• Economic Outlook Paper (2023)</li> <li>• Economic Dashboard</li> </ul>

	Outside Body	Councillor	Update
4	Team East Sussex (TES)	Zoe Nicholson	<p><u>Date of meeting:</u> TES Board meetings 4 December 2023 and 29 January 2024 (next meeting 18 March 2024).</p> <p><u>Business discussed:</u> The main discussion items at TES have been the ongoing <i>LEP Transition</i> process and work to develop a new <i>Economic Growth Strategy</i>.</p> <ul style="list-style-type: none"> <li>• <b>LEP Transition:</b> following the Government’s announcement that LEP funding will be discontinued from April 2024, the South East LEP is continuing to work through transition plans in order to integrate LEP functions into its upper tier local authorities (namely East Sussex, Essex and Kent County Councils). SELEP has produced an overall Integration Plan, and ESCC officers have also developed a more local East Sussex Integration Plan, covering any specific actions for TES and the County, Borough and District Councils. While SELEP is still awaiting ‘formal’ confirmation from Government on its proposed functional economic areas (i.e. confirming the three upper tier authorities as local accountable bodies), the LEP Transition process remains on track.</li> <li>• <b>Economic Growth Strategy:</b> work continues on developing a new Economic Growth Strategy for East Sussex. The initial call for evidence has been completed, and recent activity has included a series of consultation workshops through November and December, including a place-based workshop hosted by LDC colleagues at the Marine Workshops in Newhaven. The consultants developing the strategy have now produced an overall framework in the form of a storyboard. The strategy’s eventual sign-off and launch is still on track for Spring 2024.</li> <li>• <b>Reimagining Newhaven Board:</b> TES Board member Alison Turner has been appointed to the Reimagining Newhaven Board (formerly the Newhaven Town Deal Board) as the TES representative.</li> </ul> <p><u>Decisions made:</u></p> <ul style="list-style-type: none"> <li>• The TES Board endorsed the East Sussex Integration Plan.</li> <li>• The TES Board appointed Alison Turner as TES Deputy Chair (effective 2 January 2024).</li> </ul>



	<b>Outside Body</b>	<b>Councillor</b>	<b>Update</b>
5	Health Overview and Scrutiny Committee	Christine Brett	<p><u>Date of meeting:</u> 14 December 2023</p> <p><u>Business discussed:</u></p> <ul style="list-style-type: none"> <li>• <u>Paediatric service model development at Eastbourne:</u> The Committee had received communications from a senior member of staff raising concerns about the impending changes, and now heard from officers about the rationale behind these changes. <u>Agreed-</u> A panel would be set up to look into this and report back to the next meeting in March.</li> <li>• <u>NHS Sussex winter plan 2023-24:</u> The Committee heard about the plans put in place to deal with the winter, additional staffing and capacity secured. This included more overseas staff including carers from the independent sector.</li> <li>• <u>Hospital handovers at the Royal Sussex County Hospital -</u> There was a long discussion about waiting times, and some of the improvements made; this is a work in progress.</li> </ul>
6	Wave Active	Laurence O'Connor	<p><u>General Update:</u> Major works have now been completed on all of LDC's Wave sites on Air Handling Units and Control Panels as well as Roof Repairs. Seahaven was the last one to be completed just before Christmas after lengthy works during which staff managed to continue working.</p> <p>In addition, the Newhaven Swimming Pool has been awarded nearly £150,000 after Lewes District Council successfully secured funding from the Swimming Pool Support Fund. The money is part of a £20 million national fund being delivered by Sport England for energy efficiency savings at swimming pools in response to increased operating costs. The centre has been awarded £109,650 towards Photo Voltaic (PV) panels for heating the water and £40,000 for pool covers. This demonstrates the continuing close relationship between Wave Active and Lewes District Council and shows the joint commitment to helping residents of all ages to keep healthy in body and mind. Of course, this new investment in energy saving will reduce CO2 emissions as well</p>

	<b>Outside Body</b>	<b>Councillor</b>	<b>Update</b>
			<p>as helping to bring down operating costs which have risen sharply due to increases in energy bills.</p> <p>Overall Wave Active has done well in the 9 months to December 2023. A net profit was achieved against a forecasted loss. It is anticipated that the charity will be in profit at the end of the financial year. Almost all sites are working towards an operating profit. It is good to see that performance remains strong and continues the trend seen in the previous year. Of Inflation and the impact on the consumer purse remain the key financial risks.</p> <p>Looking to the future the charity continues to look proactively at opportunities to increase its offer to our communities working closely with Lewes District and Eastbourne Borough Councils.</p>
7	South Downs National Park Authority	Daniel Stewart-Roberts	<p><u>Date of meeting:</u> 9 November 2023  <u>Business discussed:</u> Planning Committee  <u>Decisions made:</u> Various planning applications and related matters, none relating to Lewes District.</p> <p><u>Date of meeting:</u> 5 December 2023  <u>Business discussed:</u> All staff and members meeting.  <u>Decisions made:</u> Presentations on achievements and developments during 2023.</p> <p><u>Date of meeting:</u> 12 December 2023  <u>Business discussed:</u> Workshop considering the Authority's 24/25 Budget 1 of 2.  <u>Decisions made:</u> N/A</p> <p><u>Date of meeting:</u> 14 December 2023  <u>Business discussed:</u> Planning Committee  <u>Decisions made:</u> Consideration and approval of Infrastructure Business Plan 2023 and spending of 22/23 CIL receipts.</p> <p><u>Date of meeting:</u> 18 January 2024  <u>Business discussed:</u> Planning Committee Awayday/Training day.  <u>Decisions made:</u> N/A</p> <p><u>Date of meeting:</u> 25 January 2024</p>

	Outside Body	Councillor	Update
			<p><u>Business discussed:</u> Workshop considering the Authority's 24/25 Budget 2 of 2</p> <p><u>Decisions made:</u> Recommendation for budget to be put to full SDNPA.</p>
8	Armed Forces Champion	Daniel Stewart-Roberts	<p><u>Date of meeting:</u> 12 November 2023</p> <p><u>Business discussed:</u> Remembrance Day wreath laying at Lewes War Memorial</p> <p><u>Decisions made:</u> N/A</p> <p><u>Date of meeting:</u> 11 December 2023</p> <p><u>Business discussed:</u> East Sussex Civil Military Partnership Board</p> <p><u>Decisions made:</u> General updates</p> <p><u>Date of meeting:</u> 16 January 2024</p> <p><u>Business discussed:</u> District and Borough Armed Forces Champions Meeting</p> <p><u>Decisions made:</u> General updates.</p>
9	Sussex Police and Crime Panel	Paul Keene	<p><u>Date of meeting:</u> 26 January 2024</p> <p><u>Business discussed:</u> Review of Membership and Proportionality; Public and Panel Questions to the Commissioner; Final Report of the Budget and Precept Working Group; Proposed 2024/2025 Precept; Report by the Commissioner; Role of the Commissioner on Ensuring Stop and Search Powers are used Effectively and Appropriately; Quarterly Report of Complaints.</p> <p><u>Decisions made:</u> WSCC appointed an invited Conservative Councillor and ESCC appointed an invited Green Councillor according to proportionality rules after a debate and vote.</p> <p>After the Budget and Precept Working Group could not agree on a recommended Precept, the full Panel agreed, after a presentation by the Commissioner and a full debate, that the Precept for 24/25 will be a £13 or 5.4% increase at Council Tax Band D which will be £1.08 per month.</p>
10	Lewes District Food Partnership	Emily O'Brien	<p>Meeting postponed until later in February but useful to report that <a href="#">Emergency Food Network Joint Crowdfunder smashes £5,000 target and unlocks matchfunding to raise over £11,000 this year.</a> – The Enjoolata Foundation has pledged to match fund up to £5,000, and we also received</p>

	Outside Body	Councillor	Update
			£2,500 from the East Sussex Community Wellbeing Fund. The total will be distributed between the eight participating projects of the Emergency Food Network.
10	Water Champion Update	Emily O'Brien	<p><u>Date of meeting:</u> various</p> <p><u>Updates:</u></p> <ul style="list-style-type: none"> <li>• Panellist at the rights of Rivers Conference organised by Love our Ouse in Lewes on 24 November.</li> <li>• Attended LDC Scrutiny panel visit to Newhaven Wastewater treatment works 27 November.</li> <li>• Southern Water PR24 Stakeholder Webinar – Sussex on 8 December</li> <li>• 22 December 2023 - Convened a meeting with ESCC director of public health and LDC officers, and my Eastbourne counterpart re water quality and impact on health. Public Health is now going to seek local evidence on this as not clearly understood and shared desire to understand better.</li> <li>• Southern Water LPA stakeholder group 19 January 2024 – useful interrogation of Ofwat alongside Southern Water. Had a follow up 1:1 with Ofwat regarding interaction between South East Water/Southern Water.</li> <li>• 27 January - Love Our Ouse River Tour at Barcombe Village Hall.</li> <li>•</li> </ul>
11	LGA Coastal Special interest Group  Plus other LGA activity Update	Emily O'Brien	<p><u>Date of meeting:</u> 11 December</p> <p><u>Business discussed:</u> Useful presentation re <a href="#">SMP explorer</a>, which is a new online platform sharing the Shoreline management plans from across the UK in a more accessible format (now launched at <a href="https://www.gov.uk/government/news/smp-explorer-digital-shoreline-management-tool-launched">https://www.gov.uk/government/news/smp-explorer-digital-shoreline-management-tool-launched</a>). Also attended the launch event in January 2024</p> <p>After the meeting I raised public health responsibilities regarding water quality in the follow up discussion.</p> <p><u>Decisions made:</u> Agreed to have a future focus on caravan and mobile home licencing which is not fit for purpose.</p>

	Outside Body	Councillor	Update
			<p><b>OTHER LGA activity</b></p> <ul style="list-style-type: none"> <li>• Attended People and Places Board, and Lead Members Meetings. Requested items for inclusion on workplan including research on rural homelessness and housing issues, especially costs of temporary and emergency accommodation.</li> <li>• Chaired LGA Cost of Living Webinar: Integrated approaches to fuel poverty energy.</li> </ul>
12	Ouse Valley Climate Action	Emily O'Brien	<u>Date of meeting:</u> Most recent board meeting was cancelled. I have requested a 1:1 – waiting to hear.

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