



Published 12 November 2013

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To the Members of the Borough Council

You are summoned to attend an **ordinary meeting** of the **Eastbourne Borough Council to be held at the Town Hall Grove Road Eastbourne**, on **Wednesday, 20 November 2013** at **6.00 pm** to transact the following business.

Agenda

1. **Minutes of the meeting held on 18 September 2013 (previously circulated)**
2. **Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).**

3. Mayor's announcements.

4. Notification of apologies for absence.

5. Public right of address.

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

6. Order of business.

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

7. Calendar of Meetings 2014/15 (Pages 1 - 4)

Report of Head of Corporate Development.

8. Local Council Tax Reduction Scheme (Pages 5 - 156)

Report of Senior Head of Community (to follow)

9. Matters referred from Cabinet or other council bodies.

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

(a) Eastbourne Community Safety Plan (Pages 157 - 158)

Report of Councillor Margaret Bannister on behalf of the Cabinet.

(b) Eastbourne Town Centre Local Plan (Pages 159 - 162)

Report of Councillor Steve Wallis on behalf of the Cabinet.

(c) Information Technology Provision for Elected Members (Pages 163 - 166)

Report of Councillor Troy Tester on behalf of the Cabinet.

(d) Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003 (Pages 167 - 170)

Report of Councillor Steve Wallis on behalf of the Cabinet.

- (e)** Wealden and Eastbourne Lifeline - Investment and change of governance (Pages 171 - 176)

Report of Councillor Tutt on behalf of the Cabinet and Report of Chief Finance Officer.

10. Motions.

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

- (a)** The Leaf Hall Trust, Seaside

Motion submitted by Councillor Steve Wallis:-

That this council recognises the Leaf Hall as a part of Eastbourne's Victorian heritage. That this council congratulates and thanks The Leaf Hall Trust for all the work that they do for the local community and wishes the trust every success with their 'Sponsor a Slate' campaign to raise funds for a new roof in time to celebrate the 150 years of the Leaf Hall in Eastbourne in 2014.

11. Discussion on minutes of council bodies.

Members of the Council who wish to raise items for discussion (council procedure rule 14) on any of the minutes of the meetings of formal council bodies listed below must submit their request to the Head of Corporate Development no later than 10.00 am on Wednesday 20 November 2013. A list of such items (if any) will be circulated prior to the start of the meeting.

The following are appended to this agenda:-

- (a)** Minutes of meeting of Audit and Governance held on 25 September 2013 (Pages 177 - 182)
- (b)** Minutes of meeting of Planning Committee held on 1 October 2013 (Pages 183 - 190)
- (c)** Minutes of meeting of Licensing Act Committee held on 7 October 2013 (Pages 191 - 194)
- (d)** Minutes of meeting of Conservation Area Advisory Group held on 8 October 2013 (Pages 195 - 198)
- (e)** Minutes of meeting of Cabinet held on 23 October 2013 (Pages 199 - 208)

- (f) Minutes of meeting of Planning Committee held on 29 October 2013 (Pages 209 - 214)
- (g) Minutes of meeting of Scrutiny Committee held on 6 November 2013 (Pages 215 - 216)

Note: Referred matters – Paragraphs in minutes of council bodies marked with * beside the paragraph number refer to matters in which the council's powers are not delegated or not exclusively exercisable by the body concerned. These matters require formal approval by the council and are listed separately on this agenda.

12. Exclusion of the Public - Motion that:

The remainder of the business of the council concerns the consideration of the confidential proceedings of council bodies. As such, discussion is likely to disclose exempt information within the categories specified either beneath the item or within the open summary of the relevant minutes. Furthermore, in relation to paragraph 10 of schedule 12A, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The public, therefore, should be excluded from the remainder of the meeting.

13. Matters referred from Cabinet or other council bodies.

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

- (a) Wealden and Eastbourne Lifeline - Investment and Change of Governance (Pages 217 - 272)

Report of Councillor Tutt on behalf of the Cabinet.

Exempt information reason 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.

14. Discussion on confidential minutes of council bodies

(See note at item 11 above). A list of items raised by members (if any) will be circulated prior to the start of the meeting.

The following are appended to this agenda:-

- (a) Minutes of meeting of Cabinet held on 23 October 2013. (Pages 273 - 278)

- (b) Minutes of meeting of Scrutiny Committee held on 6 November 2013 (Pages 279 - 280)



Robert Cottrill
Chief Executive

Guidance notes:

Public right of address - A request by a member of the public to speak on a matter which is listed on either of the agendas must be **received** by no later than 12 noon on Monday 18 November 2013. The request should be made to Local Democracy at the address given inside the cover of this agenda. The request may be made by phone, fax, letter or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Items for discussion - Members of the Council who wish to raise items for discussion on any of the minutes of council bodies attached to the meeting agenda, are required to notify the Head of Corporate Development by 10am on Wednesday 20 November 2013.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

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). If a member has a DPI he/she may not make representations first.

Further information – Councillor contact details, committee membership lists and other related information are also available from Local Democracy.

Local Democracy – 1 Grove Road, Eastbourne, BN21 4TW
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For general Council enquiries telephone (01323) 410000
E-mail enquiries@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

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Body: Council

Date: 20 November 2013

Subject: Calendar of Meetings 2014/15

Report of: Head of Corporate Development

Ward(s): All

Purpose: To propose the calendar of meetings for 2014/15.

Contact: Katie Armstrong, Scrutiny Co-ordinator
Tel. (01323) 415023 or internally on extension 5023.

Recommendations: **That the calendar for 2014/15, as shown in the appendix to this report, be approved (subject to final ratification at the Council's next annual meeting).**

1.0 Introduction

1.1 It is usual at this time of the year to approve the Council's calendar of meetings for the council year commencing the following May.

2.0 Calendar for 2014/15

2.1 A draft calendar is appended to this report. The calendar of meetings broadly follows the pattern of previous years with a similar frequency of meetings. Proposed changes as compared with the 2013/14 calendar are detailed below.

2.2 Annual Council

2.2.1 The practice of holding both the Spring ordinary meeting on the same evening as the annual meeting is continued and it is proposed that this also be the arrangement in 2015 when both borough and parliamentary elections are due to be held on 7 May; otherwise it would mean a council meeting being held during the election "purdah" period. For 2015, the date of the annual meeting has to be fixed within a prescribed period after the date of election. The date Wednesday 27 May 2015 allows sufficient time in the immediate aftermath of the election to take account of any changes, obtain Group Leaders' nominations for committee seats and other positions and issue meeting papers.

2.2.2 The legal requirements for holding annual meetings are set out in Schedule 12 of the Local Government Act 1972. In years when no ordinary elections

are held a date may be fixed on any day in March, April or May. In an election year, the annual meeting must be on the 8th day after the day of retirement of councillors or such other day within the 21 days immediately following the day of retirement as the council may fix (the day of retirement is the 4th day after the day of election). The Council may set a time of their own choosing (or if no time is fixed the meeting is to be held at noon).

2.3 Cabinet

2.3.1 Cabinet in 2015, following the elections, will be held 2 weeks later than usual.

2.4 Planning Committee and Conservation Area Advisory Group

2.4.1 The dates of the May 2015 meetings have been moved forward one week so that they fall after the annual meeting.

3.0 Consultation

3.1 Group leaders and senior managers received a draft timetable for their information and comment.

4.0 Implications

4.1 There are no relevant implications to report in respect of this matter.

Peter Finnis

Head of Corporate Development

Background Papers:

None.

(der\P:council\13.11.20\calendar of meetings)

Calendar of Meetings May 2014 - May 2015

MEETING:-	Time	2014								2015					
		May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Annual Council	6pm	7												27	
Council (* motions deadline 11am)	6pm	7		23 (*14)		17 (*8)		19 (*10)			18 (*9)			27 (*18)	
Cabinet	6pm	14		9		3	22		10		4	18			10
Scrutiny Committee	6pm		2			1	+14		8		2				
Planning Committee	6pm	13	10	8	5	2/30	28	25		6	3	3/24	21		2
Conservation Area Advisory Group	6pm	13		15	26		7	18		6	17	31			2
Licensing Committees	6pm			14			6			12		16			
Audit and Governance Committee	6pm		25			24			3			11			
Joint Staff Committee	2.30pm			9		10		26				4			
Joint Waste Committee	4pm			4 <i>E'brne</i>				7 <i>Hastings</i>							
Elections		22 Euro												7 Boro/ General	

Notes:

Council in May - Ordinary Council will follow-on from Annual Council (with a short interval in-between).

Scrutiny Committee - +14 October 2013 features the Annual Finance seminar.

Borough and General Elections 2015 - 7 May 2015 (N.B. "Purdah" period likely to start from c. 30 March)

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Body:	Council
Date:	20 November 2013
Subject:	Local Council Tax Reduction Scheme
Report of:	Ian Fitzpatrick, Senior Head of Community
Ward(s)	All
Purpose	To consider and approve the 2014/15 Local scheme for Council Tax Reduction
Decision Type:	Policy Framework
Recommendation:	<ul style="list-style-type: none">a) That the 2013/14 Local Council Tax Reduction scheme be adopted as the 2014/15 schemeb) That a three month vacation period be set during which a further Class C local discount will not be allowed.
Contact:	Bill McCafferty, Revenues and Benefits Manager, Telephone 01323 415171 or internally on extension 5171. E-mail address: bill.mccafferty@eastbourne.gov.uk

1.0 Background/Introduction

- 1.1 The coalition government abolished the Council Tax Benefit scheme and required local authorities to introduce local schemes of support from April 2013.
- 1.2 The Council adopted a local scheme of support for 2013/14 on 16 January 2013 along with agreeing changes to certain council tax discounts and exemptions.
- 1.3 The Council is under a duty to review its local scheme each year and any changes to the scheme must be adopted by 31 January preceding the start of the new financial year.

2.0 Current scheme 2013/14

- 2.1 The current scheme, which was also adopted by the other East Sussex districts and borough, followed the principles of protecting the most vulnerable, incentivising individuals into work and that takes into account and responds to the requirements of government to reduce the cost by 10% of the former Council Tax Benefit scheme.
- 2.2 The adopted scheme had the following features:
 - Removal of second adult rebate

- A minimum award of £5.00 per week
- A reasonable increase in non-dependant deductions

- 2.3 The scheme reduced support for approximately 470 claimants by a total of c£67k.
- 2.4 We have received only one complaint about the scheme and no appeals against the scheme rules.
- 2.5 Members will recall that in October last year the government introduced a Transitional Grant which councils could access if their scheme met certain criteria. The current adopted scheme met those criteria and the Council was able to access a grant of £234k to alleviate the effect on working age recipients of support. The government has stated that a further transitional grant will not be available for 2014/15.

3.0 Proposed Local Council Tax Reduction scheme for 2014/15

- 3.1 It is recommended that the scheme for 2014/15 remains the current adopted scheme.
- 3.2 A copy of the scheme is attached as Appendix 1

4.0 Council Tax Discounts & Exemptions

- 4.1 Members will recall that the coalition Government gave authorities some flexibility over certain Council Tax Discounts and Exemptions. Council decided to put in place:
- a local discount for dwellings in Class A at 50%;
 - a local discount for dwellings in Class C at 100% for a period of one month; and
 - a premium of 50% for dwellings empty and unfurnished for more than two years which are not being actively marketed for sale or rent.
- 4.2 Prior to 31st March 2013 a property left empty and unfurnished was entitled to a maximum six month Class C exemption.
- 4.3 Under the exempt dwellings regulations in place at 31 March 2013, if a property became furnished or occupied for a period exceeding six weeks (known as the '6 week rule'), when the Class C exemption had expired, the owner or occupier could qualify for a further month exemption if the property became vacant and unfurnished again.
- 4.4 Under the Local Government Finance Act 2012 which allow for local discounts, the '6 week rule' does not apply. This would mean that after a period of 1 month, if the property was furnished for 1 night and the furniture removed the next day, the owner could claim a further 100% discount for a further month.
- 4.5 We have sought independent advice from the Institute of Revenues Rating and Valuation (IRRV) who have confirmed that the lack of regulation leaves

Local Authorities vulnerable to challenge. Their advice is to formally include a provision by Council resolution.

- 4.6 Wealden, Lewes, Rother and Hastings councils have set the period to 3 months to maximise income and prevent small balances being created, which become difficult to collect. It is recommended that Eastbourne should adopt the same.

5.0 Consultation

- 5.1 A full consultation was carried prior to adoption of the 2013/14 scheme. It was unclear if a further consultation would be needed if the scheme was to remain unchanged for 2014/15. For clarity, Barrister's opinion was sought on the need to consult on the scheme for 2014/15. The opinion was that there was no requirement to consult if the scheme was unchanged.

6.0 Resource Implications

- 6.1 Financial

- 6.2 The estimated cost to the Council of the 2013/14 scheme taking into account changes to Discounts and Exemptions and the Transitional Grant is £10k.

	2013/14 Scheme
	£(000s)
Funding gap	1,046
New Discount and Exemption freedoms	(735)
Local Support Scheme	(67)
Transitional grant	(234)
Cost	10

- 6.3 At this stage in the financial year it is too early to say exactly how the scheme will perform against the estimations, although early findings suggest that it is on-track to deliver.
- 6.4 The county-wide project group will start work in early 2014 exploring options for the 2015/16 local scheme. At this time, a much clearer picture would have emerged on how the current scheme is performing in financial terms.
- 6.5 Staffing
- 6.6 There is no impact on staffing.

7.0 Other Implications

7.1 Equalities

7.2 An Equality and Fairness Analysis (Appendix B) was carried out during 2012 prior to the introduction of the scheme for 2103/14. We will continue to assess the impact of the scheme throughout the year.

8.0 Summary of Options

8.1 Council has to adopt a scheme by 31 January. If not, the default scheme will apply, which will be more costly to the Council.

9.0 Conclusion

9.1 That the scheme in place in 2013/14 be adopted for 2014/15 for the reasons set out in this report.

lead officer name: Bill McCafferty

job title: Revenues & Benefits Manager

Background Papers:

The Background Papers used in compiling this report were as follows:

None

Appendices

Appendix A (to follow) – Eastbourne Borough Council Local Council Tax Reduction scheme rules (The personal allowances and premiums at pages 104 – 108 will be inserted once the Department for Work and Pensions has announced the annual up-rating figures)

Appendix B – Equality and Fairness Analysis

To inspect or obtain copies of background papers please refer to the contact officer listed above.

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

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DRAFT

1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2014 until 31st March 2015.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2014 for a period of one financial year.

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

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

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

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

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

The three prescribed classes are as follows;

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

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

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

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the

same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- a. a war disablement pension;
- b. a war widow's pension or war widower's pension;
- c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- d. a guaranteed income payment;
- e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

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

1.7 The Council has resolved that there will be *three* classes of persons who will receive a reduction in line with adopted scheme. There will be *three* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

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

¹ Section 5 of this scheme

- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
- g. not have capital savings above £16,000³;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

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

Class E

To obtain reduction the individual (or partner) must:

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

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

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

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

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

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

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

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



Sections 2- 8

Definitions and interpretation

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

2.1 In this scheme–

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

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

‘the 1973 Act’ means 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;

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

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

'claim' means a claim for Council Tax Reduction;

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

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

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

'contributory employment and support allowance' means a contributory allowance under Part 1 of the Welfare Reform Act 2007;

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

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

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

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

'couple' means:

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

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013;

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

'designated authority' means any of the following:

- 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 contractor’ means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

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

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

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

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

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

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

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

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

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

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

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

‘income-related employment and support allowance’ means an income-related allowance

under Part 1 of the Welfare Reform Act 2007;

'Income Support Regulations' means the Income Support (General) Regulations 1987(a);

'independent hospital'–

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

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

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

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

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

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

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

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

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

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

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

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

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

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

'member of a couple' means a member of a married or unmarried couple;

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

'mobility supplement' means a supplement to which paragraph 9 of Schedule 4 refers;

'mover' means a applicant who changes the dwelling in which the applicant is resident and in

respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

'net earnings' means such earnings as are calculated in accordance with section 26;

'net profit' means such profit as is calculated in accordance with section 28;

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

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

'non-dependant' has the meaning prescribed in section 3;

'non-dependant deduction' means a deduction that is to be made under section 58;

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

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

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

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

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

'partner' in relation to a person, means

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

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

'payment' includes part of a payment;

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

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

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

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

'person on income support' means a person in receipt of income support;

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

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

'personal pension scheme' means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

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

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

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

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

'qualifying contributory benefit' means;

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

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

'qualifying income-related benefit' means

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. an employment zone programme;
- b. a programme provided or other arrangements made pursuant to section 2 of the 1973 Act

(functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);

- c. the Employment, Skills and Enterprise Scheme;
- d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- e. Back to Work scheme.

'service user group' means a group of individuals that is consulted by or on behalf of;

- a. a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- b. a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- c. a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- d. a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;
- e. a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- f. a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- g. a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- h. a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- i. the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,
- j. the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- k. a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

'single applicant' means an applicant who neither has a partner nor is a lone parent;

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

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

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

'the SSCBA' means the Social Security Contributions and Benefits Act 1992

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

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

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

'the Tax Credits Act' means the Tax Credits Act 2002;

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

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

- a. out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills

Funding or Welsh Ministers;

- b. to a person for his maintenance or in respect of a member of his family; and
- c. for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

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

'the Trusts' means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

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

'Up-rating Act' means the Welfare Benefit Up-rating Act 2013;

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

'war disablement pension' means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

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

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

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

'water charges' means;

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

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

'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹³; and

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day:
 - a. in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or

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

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

2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

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

3.2 This paragraph applies to;

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

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

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

4.0 Requirement to provide a National Insurance Number¹⁴

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

4.2 This subsection is satisfied in relation to a person if–

- a. the claim for support is accompanied by;
 - i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Paragraph 4.2 shall not apply–

- a. in the case of a child or young person in respect of whom council tax reduction is claimed;
- b. to a person who;
 - i. is a person in respect of whom a claim for council tax reduction is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
 - iii. has not previously been allocated a national insurance number.

5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit

5.1 This scheme for working age applicants does not apply to a person in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit.

5.2 This scheme also 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

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

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 subject to Immigration Control – exempted from claiming under this scheme **Class of person excluded from this scheme: persons treated as not being in Great Britain**

7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.

7.2 Except where a person falls within sub-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 sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with;

- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC ;or
- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen)

7.5 A person falls within this sub-paragraph if the person is;

- (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 paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971 on the rejection of their claim for asylum;
- (f) a person who has humanitarian protection granted under those rules; or
- (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.

7.6 A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this paragraph

'claim for asylum' has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

'EEA Regulations' means the Immigration (European Economic Area) Regulations 2006;

'Person subject to immigration control' has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

8.0 Temporary Absence (period of absence)

8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable 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, or, detained in custody pending sentence upon conviction;
 - b. resident in a hospital or similar institution as a patient;
 - c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - d. following, in the United Kingdom or elsewhere, a training course;
 - e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
 - g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - h. a student;
 - i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
 - j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.5 This paragraph applies to a person who is;
- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
 - b. on temporary release from detention in accordance with Rules made under the

provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
 - c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident
- 8.7 In this section;
- ‘medically approved’ means certified by a medical practitioner;
 - ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
 - ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.



Sections 9 - 11

The family for Council tax reduction purposes

9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
 - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
 - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
 - f. a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;
- 9.1A In this scheme "child" means a person under the age of 16; and "young person" means a qualifying young person within the meaning of Part 2 of the Child Benefit (General) Regulations 2006 SI No 223 or one to which section 145A of the Social Security Contributions and Benefits Act 1992 applies after his death.
- 9.2 In paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income-related employment and support allowance; or has an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable
- .
- 10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.**
- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.
- 10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

- 11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household**
- 11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- placed with the applicant or his partner by a local authority under section 22c or 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
 - placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—
- is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - 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;
- that child or young person lives with the applicant for part or all of that reduction week; and
 - the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.



Sections 12 – 14 & Schedule 1

Living Allowances (Applicable Amounts) for Council tax reduction purposes

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

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

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

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

an award of universal credit, the authority must use the calculation or estimate of the

maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

- 14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- 14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

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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 42A of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3** This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4** In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5** Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6** The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7** The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.

- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
 - m. by a person who is not a relative of the child wholly or mainly in the child's home.
- 18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- 18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where
- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work- related activity component on account of his having limited capability for work
 - b. the applicant's applicable amount would include a disability premium on account of the

- other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
 - d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - ix. main phase employment and support allowance;
 - g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005;
 - h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

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

incapable, or is treated as remaining incapable, of work.

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

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

- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

18.14 For the purposes of paragraph 18.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—

- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—

- a. the date that leave ends;
- b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- a. **'qualifying support'** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- b. **'child care element'** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

18.17 In this section 'applicant' does not include an applicant;

- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit

19.0 Average weekly earnings of employed earners

19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

19.2 Where the applicant has been in his employment for less than the period specified in paragraph 19.1 a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

19.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

20.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

20.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with section 27 to 29 of this scheme

21.0 Average weekly income other than earnings

21.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 4 of this scheme

21.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.

21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme

22.0 Calculation of average weekly income from tax credits

22.1 This section applies where an applicant receives a tax credit.

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3

22.3 Where the instalment in respect of which payment of a tax credit is made is;

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

22.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined–
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

24.0 Disregard of changes in tax, contributions etc.

24.0 In calculating the applicant's income the appropriate authority may disregard any legislative change

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of social security contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

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

25.0 Earnings of employed earners

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of–
 - (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.¹⁵

25.2 Earnings shall not include–

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

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

¹⁵ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

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 amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

27.3 This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

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

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

- 28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of—
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt—
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of—
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.11 in respect of any qualifying contribution
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
- b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

29.2 The amount to be deducted in respect of social security contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of–

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means–

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

30.0 Calculation of income other than earnings

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

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

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

- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

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

 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—
- 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;
 - 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—
 - the day immediately before the day on which the next instalment of the relevant

- payment would have been due had the payments continued; or
- ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those date is earlier

‘quarter’ in relation to an assessment period means a period in that year beginning on;

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or
- d. 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £16,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income

31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of–

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
- e. any sum to which paragraph 48(a) of Schedule 5 refers;

- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit,
- i. any sum to which paragraph 32.13 applies;

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

32.3 – 32.5 Not used

32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–

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

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

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

- 32.8 Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.
- 32.9 Subject to paragraph 32.10, where—
- a. applicant performs a service for another person; and
 - b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- 32.10 Paragraph 32.9 shall not apply—
- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
 - b. in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
 - c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- 32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.
- 32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.
- 32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were

- payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

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

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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 sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

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

- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent

Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

- b. pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- 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 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 purposes¹⁶

¹⁶ Amounts shown in sections 43 to 56 will be uprated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

'access funds' means;

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

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

'contribution' means;

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

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

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

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

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

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

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

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

'grant income' means

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

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

'last day of the course' means;

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

'period of study' means—

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

that year's start and ending with the last day of the course;

'periods of experience' means periods of work experience which form part of a sandwich course;

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

'modular course' means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

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

'standard maintenance grant' means—

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

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

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

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

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

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

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

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

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

45.0 Students who are excluded from entitlement to council tax reduction

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

45.2 Not used

45.3 Paragraph 45.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

- (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
- (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 21

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;

- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.
- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.
- 47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

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

- 48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;
- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
 - (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.
- 48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph 48.1, except that;
- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
 - (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

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

50.0 Other amounts to be disregarded

- 50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the

necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

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

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

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

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

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

- 51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

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

assessing that other partner's income.

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

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

56A.0 Special Provisions for Students who would receive Second Adult Reductions

56A.1 If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, income-related employment and support allowance or income support, living with a full-time student(s) as defined within this scheme who is liable to pay council tax, a reduction amounting to 100% of the maximum council tax liability (as calculated in accordance with paragraph 57.1) will be granted.



Sections 57 – 63

The calculation and amount of Council tax reduction

57.0 Maximum council tax reduction

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

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

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

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

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

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

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

57A.0 Minimum Council Tax Reduction

57A.1 The amount of a person's minimum council tax reduction in respect of a day for which he is liable to pay council tax, shall be £5.00 x 1/7

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, £xx.xx x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £xx.xx 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 £xx.xx, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £xx.xx, but less than £xx.xx, the deduction to be made under this section shall be £xx.xx x 1/7;
- (c) not less than £xx.xx, but less than £xx.xx, the deduction to be made under this section shall be £xx.xx 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; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income—
- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

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

- 59.1 The prescribed daily percentage, 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 area¹⁷

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

¹⁷ 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**¹⁸

- 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

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

reduction or its amount.

69.0 Procedure by which a person may apply for a reduction under the authority's scheme¹⁹

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.

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

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
- (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;
- the first day from which the applicant had continuous good cause;
 - the day 6 months before the date the application was made;
 - 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;
- an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - 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
- an applicant or his partner is a person in receipt of a guarantee credit,
 - the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
 - 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;
- 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
 - 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;
- 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,
 - the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - 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 Not Used**
- 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 evidence²⁰**
- 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

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

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

- 72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 72.6 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (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 application²¹**
- 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.

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

- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.
- 74.0 Duty to notify changes of circumstances²²**
- 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.

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

- 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;
 - (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 authority²³

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 decision²⁴

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

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

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

- (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000⁽³⁾ who has power to apply or, as the case may be, receive benefit on the person's behalf; or
- (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax reduction²⁵

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 paid²⁶

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

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

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

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

79.0 Shortfall in support / reduction²⁷

79.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled²⁸

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 liability²⁹

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.

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

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

²⁹ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

- 82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.
- 82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment 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 – 99.0 Not Used



Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁰

- 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.

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



Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³¹

- 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).

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



Section 101 – 106A³²
Electronic Communication

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

101.0 Interpretation

101.1 In this Part;

“information” includes an application, a certificate, notice or other evidence; and
“official computer system” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and

(b) by or under an enactment,
are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or

(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.



Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to:

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for Council Tax Reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts³³

³³ ³³ The amounts shown within this schedule shall be uprated 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	£xx.xx
b) is aged not less than 25	
c) is aged not less than 18 but less than 25	£xx.xx
2. Lone Parent	£xx.xx
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£xx.xx
b) Where one member is aged not less than 18	£xx.xx
c) Polygamous Addition	£xx.xx

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- Paragraph 17 or 18 is satisfied in relation to the applicant; or
- 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;	£xx.xx
(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.	£xx.xx

(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
- where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £xx.xx;
 - in any other case, £xx.xx;

Premiums

4. Except as provided in paragraph 5, the premiums specified in this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
6. (1) The following premiums, namely—
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and
 - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

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

Additional Condition for the Disability Premiums

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

Severe Disability Premiums

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

Enhanced Disability Premium

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

Disabled Child Premium

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

Carer Premium

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

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under

paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

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

Amounts of Premium

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

Premium	Amount
Disability Premium	£xx.xx
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	£xx.xx
Severe Disability Premium	£xx.xx
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	£xx.xx
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	£xx.xx
Disabled Child Premium	£xx.xx in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£xx.xx in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £xx.xx 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) £1£xx.xx 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) £xx.xx where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.
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The components

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

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 earnings³⁴

³⁴ 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 earnings³⁵

³⁵ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–

- (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
 in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
 - (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
 - (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the

- applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
 - (h) an Armed Forces Compensation Scheme payment.
- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.**
 - (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
 - (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
 - (3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under

that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
(2) For the purposes of sub-paragraph (1), the amount shall be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),whichever is less.
21. Any payment made to the applicant by a child or young person or a non- dependant.
22. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
 - (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
23. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
(2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
24. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide

benefits in kind to the applicant.

25. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
26. (1) Any payment made to the applicant in respect of a person who is a member of his family—
 - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
27. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
 - (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
28. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by—
 - (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968

or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the

benefit of–

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit or council tax benefit
38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
39. - 40. not used
41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Not used
43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
44. Not used
45. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
(2) In paragraph (1)
'child maintenance' means any payment towards the maintenance of a child or young person,

including any payment made voluntarily and payments made under;

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

49. Not used

50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

51. Any guardian's allowance.

52. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

55 (1) Any payment which is
 (a) made under any of the Dispensing Instruments to a widow, widower or
 (b) surviving civil partner of a person;
 (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 (ii) whose service in such capacity terminated before 31st March 1973; and
 equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
 (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

55A. Any council tax reduction or council tax benefit to which the applicant is entitled.

56. Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10

56A.–56B. Not used

57. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
58. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
 - (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,in respect of which such assistance is or was received.
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Not used
65. Not used
66. Any payment of child benefit.



Schedule 5
Capital to be disregarded³⁶

³⁶ Any amounts shown in this schedule will be uprated 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 sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
42. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
43. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
44. Not used
45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
46. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
47. (1) Any sum of capital to which sub-paragraph (2) applies and
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.(2) This sub-paragraph applies to a sum of capital which is derived from;
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
48. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
 - (a) award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
49. Any payment to the applicant as holder of the Victoria Cross or George Cross.
50. Not used

51. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
52. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
53. (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
- (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to;
- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 53A.-53B.** Not used
54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.

- (5) In this paragraph, a reference to a person—
 (a) being the diagnosed person's partner;
 (b) being a member of a diagnosed person's family;
 (c) acting in place of the diagnosed person's parents,
 at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
 'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld- Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
 'trust payment' means a payment under a relevant trust.
- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
 (a) was a slave labourer or a forced labourer;
 (b) had suffered property loss or had suffered personal injury; or
 (c) was a parent of a child who had died,
 during the Second World War.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

Equality and Fairness Analysis

Scoping and findings report – Local Council Tax Reduction Scheme

Officer responsible for equality and fairness analysis	Bill McCafferty Revenues and Benefits Manager	
Officer responsible for policy development	Bill McCafferty Revenues and Benefits Manager	
Policy area	Revenues and Benefits	
Service area responsible for implementing the policy	Benefits	
Originator (if not the Council)	Central Government	
Is the policy proposed (new) or existing?	New	
Is it an EBC policy or a partnership initiative?		Partnership (with East Sussex Councils and ESCC)
Key people involved in the policy development and its implementation	Ian Fitzpatrick, Senior Head of Community Bill McCafferty, Revenues & Benefits Manager Representatives from East Sussex Districts and Boroughs Representatives form East Sussex County Council	
Decision making bodies the policy will be referred to	Cabinet – December 2012	

	Council – January 2013
Snr/Head of Service	Ian Fitzpatrick
Date of Equality and Fairness Steering group	

Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

Title of policy	Local Council Reduction Scheme (Transitional Grant)
What is the purpose of the policy and why is it needed?	
<p>The Government has decided that there will no longer be a national Council Tax Benefits scheme from 1 April 2013. Instead the council will need to introduce its own local Council Tax Support scheme.</p> <p>The Local Government Finance Bill (The Bill) imposes a duty on billing authorities (Eastbourne Borough Council) to adopt a LCTS scheme by 31 January 2013 and to consult with major preceptors and other such persons as it consider likely to have an interest in the scheme. If the billing authority does not adopt a local scheme by 31 January the government will impose on them the 'Default Scheme'. A billing authority can, if it so choses, adopt the Default Scheme as its local scheme.</p> <p>The Bill specifies that before adopting a scheme the billing authority must, in the following order:</p> <ul style="list-style-type: none"> • Consult any major precepting authority • Publish a draft scheme • Consult other such persons as it considers likely to have an interest in the operation of the scheme. <p>The Government's assumption following the last Comprehensive Spending Review is that there will be a 10% reduction in expenditure through these changes from 1 April 2013 and that it will be for local authorities to determine how to manage that funding reduction. Eastbourne Borough Council will receive approximately £1m less money from Government as a result of this change.</p> <p>Currently Council Tax Benefits is a national scheme for low income households. You may get Council Tax Benefit if you pay Council Tax and your income and capital (savings and investments) are below a certain level. You may apply whether you rent or own your home, or live rent-free. You could qualify if you are out of work, or in work and earning a wage. Individuals apply for Council Tax Benefits through a single application process for Housing & Council Tax Benefits. If you are eligible for council tax benefits you will receive a reduction in your council tax bill and the council receives grant to pay for this.</p>	

The government has stated that council tax support for older people will not be reduced as a result of the introduction of this reform. This is because the government wants to ensure that low income pensioners, who would struggle to pay council tax without additional support, and whom the government does not expect to work to increase their income, will continue to receive support for their council tax. Pensioner protection will be achieved by keeping in place national rules.

The council needs to give consideration to vulnerable groups in the design of a new system. The government's consultation response appears to be less prescriptive about how this should be done than perhaps originally envisaged. Rather the government draws councils' attention to existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996, as well as the public sector duties in section 149 of the Equality Act 2010.

The scheme will determine how much support people will receive to help them pay their council tax.

Following on from the Department of Communities and Local Government's announcement of a £100m transitional fund available if a council adopted a scheme that met certain criteria, an Option 2 of the draft scheme was developed.

The difference between Option 1 (The consulted scheme) and Option 2 (The Transitional Scheme) is that Option 2 does not introduce a maximum award of £20 per week, does not reduce the capital limit to £6,000 and it reduces the increases in non-dependant deductions.

The Department for Communities and Local Government (DCLG) have also completed an Impact Assessment for the implementation;

<http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax>

In what context will it operate and who is it intended to benefit?

The scheme will operate as a means tested discount to be set against a person's council tax liability. The scheme is intended to give support to those people most in need of financial assistance towards paying their council tax.

Working age claimants will be able to apply for CTS, however they may get less support than they would have done if the CTB scheme had not been abolished. The proposed scheme, based largely around the current CTB regulations, reduces the amount of support some people can get. The draft scheme proposes:

- To abolish the Second Adult Rebate Scheme
- To increase the level of non-dependant deductions
- To implement a minimum award of £5.00 per week, so that anyone who qualifies for less than £5 per week does not receive any support at all.

What are the expected outcomes of the policy?

That people are able to meet their council tax liabilities.

That pensioners are protected.

That the scheme incentivises work.

That the vulnerable are protected.

Which protected groups will it affect the most?

Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more or 'L' less relevance and circle those that apply.

Age	M	L
Disability	M	L
Gender reassignment	M	L
Marriage and civil partnership	M	L
Maternity and pregnancy	M	L
Race	M	L
Religion or beliefs	M	L
Sex	M	L
Sexual orientation	M	L

Which parts of the PSED¹ is it relevant to?

Use the same assessment as for protected groups.

1. Eliminate discrimination, harassment and victimisation	M	L
2. Advance equality of opportunity	M	L
3. Foster good relations	M	L

Equality Information

List all the sources of information you have gathered and will use to evaluate the effectiveness, or potential effectiveness, of the policy. Include evidence gathered from engagement.

Data taken from the current Council Tax Benefit caseload as at 13 November indicated that 487 people would get less benefit under the proposed draft Option 2 scheme than they get under the current Council Tax Benefit scheme. Further analysis done during December showed that 17 people had stopped

¹ Public Sector Equality Duty – for further information refer to the guide on same

getting Council Tax Benefit.

The average loss under the Consultation scheme was £4.60 per week, ranging from 2p to £11.10 per week. The table below shows the spread of losses:

Loss per week	No. affected
under £1	145
£1.00 to £1.99	83
£2.00 to £2.99	89
£3.00 to £3.99	63
£4.00 to £4.99	52
£5+	38
	470

Those affected broken down by age bands

By age	Number
18-24	15
25-34	68
35-44	121
45-54	190
55-61	76
	470

Those affected by disability

Disability	Nos.
Yes	48
No	422
	470

Those affected by sex

By sex	No.
Female	363
Male	107
	470

It should be noted that the 'sex' refers only to the claimant. There are 113 couples of the 470 affected.

Those affected by race

By race	Nos.
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Asian or Asian British: Bangladeshi	3
Asian or Asian British: Indian	1
Asian or British : Any other Backgrnd	2
Black-Black British:Caribbean	1
Black-Black British:Other	1
Mixed: White and Black African	1
Mixed: White and Black Caribbean	2
White: Any other White background	7
White: British	77
No data held	375
	470

No data could be gathered for the other protected characteristics i.e. gender reassignment, religion or belief, sexual orientation or maternity & pregnancy.

Although not relevant from an Equalities point of view the breakdown by Council Tax Band is below.

By Council tax Band

Band	No.
A	69
B	229
C	113
D	38
E	17
F	3
G	1
H	0
	470

Are there gaps in this information and if so, what are these?

For instance, do you have information that is sufficient for the purpose of evaluating the effectiveness of the policy against all protected characteristics?

We are able to identify, from current Council Tax Benefit data, those people of working age who will be affected by the policy.

Current Council Tax Benefit data does not hold information on:

- Gender Re-assignment
- Maternity and Pregnancy
- Religion or Beliefs
- Sexual Orientation

None of these characteristics have any relevance when it comes to determining a person's entitlement to Council Tax Support.

What steps did you take, or are you intending to take, to fill these gaps?

Depending on the purpose of the policy it may prove useful to engage with service users, employees, equality/involvement groups/organisations and other interested parties etc.

As can be seen above, we have been able to segment the 470 affected cases by race and disability.

We have consulted widely on the scheme with a formal 12 week consultation ending on 2 November 2012. The consultation survey was posted on the Council website:

- Background information and a brief description of the Council Tax Benefit scheme
- current and future central government funding arrangements
- A statement that pensioners are protected from the changes and that working age claimants are most likely to be affected
- A summary of three possible scheme options, including the proposed scheme
- An introduction and explanation to each question relating specifically to the proposed scheme.
- Examples of how current claimants would be affected by the proposed scheme
- An easy read version of the draft scheme
- A pre-consultation Equalities Impact Assessment

In addition to the website various interested parties were contacted to advise them of the consultation and encourage them to take part.

We have delivered a presentation on the change to the Disability Involvement Group and have met to discuss the change with the local Citizens Advice Bureau.

Part way through the consultation exercise a review of the responses was undertaken. The review showed that, apart from there being a low response overall, even of those who had responded working age people who were currently in receipt of council tax benefit were underrepresented. To try and increase the number of responses from this group we wrote to every working age recipient of CTB encouraging them to take part.

There were 170 responses to the consultation and several hundred comments made. The results from the consultation are attached as Appendix A to the Council Report of 16th January and the comments as Appendix B.

In summary the majority of respondents were in favour of all the principles and proposals, with a smaller majority being in favour of the doubling on non-dependant deductions and the reduction of the capital limit to £6,000.

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What does all the information gathered tell you about the policy?

I.e. does the policy miss opportunities to advance equality and foster good relations?

The majority of respondents to the consultation were in agreement with the proposed changes. The policy attempts to fill part of the funding gap, whilst at the same time protecting the most vulnerable eg by retaining disability premiums within the scheme.

Based on your evidence and engagement is there a need to balance conflicting views and how will you do this?

You will need to find an appropriate balance for these groups and the policy in question.

Due to the government protecting pensioners (ie those who have attained the age whereby they can claim Pension Credit), the 10% cut in funding has to fall on those of working age ie those who have not reached the age where they can claim Pension Credit.

Is there a need to counter resentment or address inaccurate perceptions, if so what will you do?

This is more likely to arise in regard to policies that justifiably benefit certain groups over others and so give the impression of 'favourable treatment'.

There may be the feeling from working age claimants that they are being singled out for cuts in support. However, there is nothing the council can do about this, as the government has prescribed that pensioners are to be protected from any cuts. To achieve this, the government has set the rules on how claims from pensioners are to be dealt with.

Findings of your analysis

Having gathered in all the evidence and considered the potential or actual effect

of the policy on equality, you should now be in a position to make an informed judgement about what should be done with the policy. There are four main steps to take:

1. No major change – the policy is robust and evidence shows no potential for discrimination and all opportunities to advice equality and foster good relations between groups has been taken;
2. Adjust the policy - some steps need to be taken to remove barriers in the policy or to better advance equality;
3. Continue the policy – you will adopt the policy despite any adverse effects or missed opportunities because you are satisfied that it does not unlawfully discriminate – you will need to document what the justification is for continuing the policy, and how you reached this decision;
4. Stop and remove the policy – there are adverse effects that are not justified and cannot be reduced.

Irrespective of the step you recommend you are required to provide documentation in support of your decision and the reasons why you made it together with all supporting equality information used.

Please type 'recommended course of action' against the desired step below.

No major change	
Adjust the policy	This is the recommended scheme.
Continue the policy	
Stop and remove the policy	

Proposed action plan in regard to policy implementation	
Quality checking: What was the outcome of the Corporate Equality and Fairness Planning Group?	
How will you implement any recommendations the group made?	The scheme has to be adopted by the Council by 31 January 2013. Any recommendations made after this date will be considered during the review stage.
How will the policy be monitored once implemented, and who will do this? Consider how you will determine whether or not	The Council Tax collection rate (Although other economic factors will affect this). Numbers of reminders, final notices and summons issued (although other economic factors will affect this).

the policy is having its desired effects i.e. what type of information is needed and how often will it be gathered?	Number of successful appeals. Spent against budget will be monitored monthly
Who will analyse the monitoring at its review stages?	Senior Head of Community Revenues and Benefits Manager
What could trigger an early revision?	The scheme cannot be changed mid-year. If the council wishes to change the scheme for 2014/15 it will have to go out to consultation.
How will you involve key service users/other parties in the review process?	Through liaison meetings with: CAB Housing Brighton Housing Trust
How will you publish the results of any reviews?	

For completion by the Equality and Fairness Steering Group:

Results of group discussion and recommended course of action:	
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Meeting: Council

Date: Wednesday 20 November 2013

Subject: Eastbourne Community Safety Plan

Report of: Councillor Margaret Bannister on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 23 October 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council's website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListDocuments.aspx?CId=125&Mid=899&Ver=4>

The Council is recommended to:-

Approve the updated Plan, together with continued delegated implementation authority to Senior Head of Community.

42 * Eastbourne Community Safety Plan

42.1 Cabinet considered the report of the Senior Head of Community inviting consideration of the achievements and future risks and opportunities to performance in relation to the 2011/14 Community Safety Plan. Bob Gough, Eastbourne Crime Reduction Officer and Chief Inspector Steve Biglands, District Police Commander, were invited to address the Cabinet.

42.2 Cabinet had previously endorsed the successful performance of the Eastbourne Community Safety Partnership. In 2005/2006 Eastbourne was subject to around 11,000 crimes. For the performance year 2010/2011 this had dropped to approximately 7,500 crimes. For the current rolling year up to the end of June 2013, this had reduced to around 6,000 crimes, a further reduction of 9% compared with the same period last year. A copy of the 3-year plan (2011/14) and final year refresh (2013/14) along with the 2013/14 action plan were appended to the report.

42.3 Concerns were raised at the possibility that the Partnership's budget could be reduced in future and that this could impact on performance in 2014/15.

42.4 * Resolved (Budget and Policy Framework): (1) That Cabinet notes the CSP's achievements and future risks/opportunities to performance and endorses

the updated 2011/2014 Community Safety Plan with continued delegated implementation authority to Senior Head of Community.

(2) That full Council be asked to approve the updated Plan.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact:
Bob Gough, Eastbourne Crime Reduction Officer, 1 Grove Road, Eastbourne, BN21 4TW Tel: (01323) 415346. E-mail: bob.gough@eastbourne.gov.uk.

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Meeting: Council
Date: Wednesday 20 November 2013
Subject: Eastbourne Town Centre Local Plan
Report of: Councillor Steve Wallis on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 23 October 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListDocuments.aspx?CIId=125&Mid=899&Ver=4>

Please note also that the Planning Committee, at their meeting on 1 October 2013 (minute 44) agreed that the recommendations to be put before the Cabinet (and subsequently approved by the Cabinet) should be formally adopted.

The Council is recommended:-

(1) To approve for adoption the Eastbourne Town Centre Local Plan along with the revised Policies Map.

(2) That any minor or technical adjustments found necessary in the Town Centre Local Plan are delegated to the Senior Head of Development in consultation with the Cabinet portfolio holder.

43. * Eastbourne Town Centre Local Plan

43.1 Cabinet considered the report of the Senior Head of Development. The Eastbourne Town Centre Local Plan (TCLP) had been shaped over the last 4 years by close consultation with the community and stakeholders. The Local Plan set out a strategy and proposals for the future development and regeneration of the Town Centre up to 2027.

43.2 The TCLP had been prepared in accordance with the relevant government regulations and had been submitted to the government on 31 January 2012. Following some concerns the Inspector had with the content of the submitted Plan, the Council made changes to strengthen the policy base of the document, to ensure it demonstrated how and when Town Centre proposals would be delivered. These modifications to the TCLP were approved by Cabinet on 6 February 2013 and

consulted on between 22 February and 5 April 2013.

43.3 The Examination in Public for the TCLP took place on 16/17 May 2013 and the focus of the examination sessions included discussions on the following key issues:

Matter 4: Quantum and Type of Development

Matter 5: Development Opportunity Sites – General Matters

Matter 6: Development Opportunity Sites – Site Specific Matters

Matter 7: Public Realm Projects/Initiatives

43.4 During the hearing sessions, the Planning Inspector sought additional information and clarification from the Council on a number of matters. The Council was invited to put forward suggested amendments to address or clarify these issues. The Council published a list of proposed Main Modifications to the TCLP and stakeholders and the local community were invited to make representations on the 'soundness' of these proposed Main Modifications between 14 June and 26 July 2013. Seven representations were received and these had been forwarded to the Inspector along with the Council's response (which had been formulated in liaison with the Local Plan Steering Group).

43.5 The Final Inspector's Report, together with the Inspector's Appendix of proposed Main Modifications was received on 11 September 2013 and had been made available for public to view in person and on the Council's website.

43.6 The Inspector's report had concluded that the TCLP provided an appropriate basis for the planning of the Town Centre over the next 15 years providing a number of modifications are made to the Plan. Most of the modifications to address this were proposed by the Council, and the Inspector recommended their inclusion after full consideration of the representations from other parties on these issues.

43.7 The modifications were summarised as follows:

- Amend references to planning for housing and office space to ensure consistency with the Eastbourne Core Strategy Local Plan (adopted February 2013).
- Make a range of changes to the development opportunity sites to clarify their status as site allocations, set out a clear programme and strategy for delivery and demonstrate that project planning has commenced.
- Make changes to ensure that the public realm projects, including the arts trail, are positively planned and deliverable.
- Clarify the methodology and timing for taking forward the potential areas of change.
- Update development management policies to take account of recent developments and strategies, especially the cycling strategy.
- Re-draft the building heights/ tall buildings policy to ensure that it is justified and coherent.
- Re-draft the implementation and monitoring section to ensure that it is effective and supports delivery of the Plan.

43.8 After adoption, the Local Plan policies would be material considerations in the determination of planning applications for development in the Town Centre, along with the Eastbourne Core Strategy Local Plan and the saved policies from the Eastbourne Borough Plan (2003).

43.9 The TCLP would also be a guide for developers and the community to show where and how the Town Centre would grow and develop in the future. Its main vision was that by 2027, 'Eastbourne Town Centre would be a place that attracted more shoppers, workers, residents and visitors to spend more time enjoying a vibrant and varied offer and mix of uses in a well connected series of attractive streets and public spaces. Increasing investment in the town would bring wide-ranging benefits and would allow Eastbourne to respond positively to climate change.

43.10 * Resolved (Budget and Policy Framework): (1) That full Council be recommended to approve for adoption the Eastbourne Town Centre Local Plan along with the revised Policies Map.

(2) That any minor or technical adjustments found necessary in the Town Centre Local Plan are delegated to the Senior Head of Development in consultation with the Cabinet portfolio holder.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact: Lisa Rawlinson, Senior Specialist Advisor, 1 Grove Road, Eastbourne, BN21 4TW Tel: (01323) 415250
E-mail: lisa.rawlinson@eastbourne.gov.uk

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Meeting: Council

Date: Wednesday 20 November 2013

Subject: Information Technology Provision for Elected Members

Report of: Councillor Troy Tester on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 23 October 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListDocuments.aspx?CIId=125&MIId=899&Ver=4>

The Council is recommended to:-

(1) Adopt the new options for councillors IT provision as detailed in the report to Cabinet.

(2) Continue the IT allowance scheme for all councillors to contribute towards broadband and printing costs.

(3) Adopt of the new Protocol for Councillors in an Agile Working environment and associated policy changes.

45 * Information Technology Provision for Elected Members

45.1 Cabinet considered the report of the Senior Head of Infrastructure following detailed work undertaken to examine the future IT requirements of Councillors in the light of the Council’s move to agile and other new working methods. Councillors had participated in a workshop event and a group of councillors were trialling the use of tablet devices. A new committee management system had recently been implemented and part of this work had also involved exploring how committee documents could be delivered electronically to the tablet devices via an app.

45.2 Councillors and officers needed access regularly to confidential information, i.e. any information that was not in the public domain, to enable them to fulfil their role. Government security requirements, mandated by the Public Services Network (PSN) Code of Connection, as well as data protection legislation, required the Council to ensure that such data and information was properly secured in accordance with a detailed set of standards.

45.3 The current IT options available to councillors were approved by Council in July 2007. Option 1 involved councillors providing their own IT equipment. Option 2 involved the council delivering a full solution including laptop and broadband. Currently 21 councillors had opted for Option 1 and six for Option 2.

45.4 As a result of the security requirements mentioned above, the Council was required to withdraw Option 1. All councillors would need to be provided with council equipment to ensure that the Council maintained its PSN accreditation. In this context, the proposed new options were as follows:

- Option 1 – a portable tablet solution enabling secure mobile access to email, council documents and committee papers.
- Option 2 – a standard council laptop, of the same model issued to council staff with a flexible work style.

45.5 As part of these changes it would be necessary to temporarily withdraw the use of Outlook Web Access, which currently enabled councillors to access their council email from non-council equipment, such as home computers, smartphones and personal tablets. It was hoped to reinstate Outlook Web Access from non-council devices following an upgrade of the email server and the installation of some additional security in 2014.

45.6 The options approved in 2007 made provision for an IT allowance to be given to councillors who selected Option 1. Councillors who selected Option 2 did not receive an allowance. Consideration was given to the impact of the new options on the IT allowance for members. Much had changed since the 2007 report. Most homes now had broadband provision, wi-fi was widely available and many people now used tablet computers instead of laptops and e-book readers or tablets instead of reading hard copy books and newspapers. The council's own agile working programme had radically reduced the use of paper across the organisation and the intention was that councillors would rely less on paper over time.

45.7 It was therefore proposed that, irrespective of the option selected, the council would not provide broadband or printing facilities at councillors' homes. Since most councillors had selected to use their own broadband anyway, the impact of this would be limited. In recognition of the fact that councillors would be using their own broadband and, if required, printing facilities, it was proposed to retain the IT allowance at the existing level for all councillors, irrespective of which option they chose. Councillors who currently did not claim the IT allowance would in future receive it, and this cost could be met from within existing budgets.

45.8 As with all members of staff, councillors would be required to adhere to the council's IT Acceptable Use Policy (AUP). Under the Agile Working Programme an 'Agile Ways of Working' handbook was developed to support staff in the transition to new ways of working. A similar guide had been developed, called 'Guidance for Councillors in an Agile Working Environment'.

45.9 The one-off costs of implementing the new policy were built into the Agile Working Phase 2 budget and would be met from existing capital funding. The annual costs would be met from existing revenue budgets.

45.10 * Resolved: That full Council be recommended to:

- (a) Adopt the new options for councillors IT provision as detailed in the report.
- (b) Continue the IT allowance scheme for all councillors to contribute towards broadband and printing costs.
- (c) Adopt of the new Protocol for Councillors in an Agile Working environment and associated policy changes.

Note: The Monitoring Officer reported that dispensations had been granted to all Councillors on 9 October 2013 to enable them to participate in discussions and in voting on all matters relating to the above minute.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact:
Henry Branson, Senior Head of Infrastructure, 1 Grove Road, Eastbourne, BN21 4TW Tel: (01323) 415155 E-mail: henry.branson@eastbourne.gov.uk

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Meeting: Council

Date: Wednesday 20 November 2013

Subject: Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003

Report of: Councillor Steve Wallis on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 23 October 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListDocuments.aspx?CIId=125&MIId=899&Ver=4>

In addition, for information, the extract from the minutes of the Licensing Act Committee, at their meeting on 7 October 2013 dealing with this matter and including that Committee’s supportive comments, is also set out below.

The Council is recommended to:-

Approve the draft Statement of Licensing Policy 2014-2019 as amended.

46. * Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003

46.1 Cabinet considered the report of the Senior Specialist Adviser. The Council was required to consult, review and publish its Statement of Licensing Policy at regular intervals. The purpose of the Statement was to promote the Licensing Objectives. It set out the general approach taken by the Authority when considering and determining applications under the Licensing Act 2003. The Licensing Objectives were:

- The prevention of crime and disorder;
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The scope of a Licensing Policy Statement covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club or to the order of a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

46.2 Public consultation of the draft Statement took place for 12 weeks between the 27 June and 19 September 2013. A range of organisations and individuals were directly consulted, including 'Responsible Authorities', ward councillors, all premises licence and club premises certificate holders in the borough, neighbourhood panels and residents groups, hospitality and trade associations and various forums of representative groups. The draft was also posted on the Council's website and notices placed at council offices and the Central Library. A copy of the draft formed appendix 1 to the report. Responses were received from the Town Centre Manager (wishing to see a robust cumulative impact policy to meet the challenge of an increasing number of alcohol licensing applications in the town centre) and the Chair of the Town Centre Neighbourhood Panel (in full support of the policy) (appendix 2 to the report).

46.3 The Council's Licensing Act Committee had considered and endorsed the draft policy at their meeting on 7 October 2013. Subject to full Council approval on the 20 November 2013, the updated policy would come into effect on 1 January 2014.

46.4 It was reported verbally that following publication of the report it had been noticed that point 3.2 on page 65 of the Draft Licensing Act policy Statement (part of the cumulative impact policy) could be perceived as contradictory. It was suggested that this text should be removed prior to ratification by full Council to remove any notion of contradiction.

46.5 * Resolved (Budget and Policy Framework): (1) That the response to the consultation on the draft Statement of Licensing Policy 2014 – 2019 and the proposed timetable leading up to the policy coming into force on 1st January 2014 be noted.

(2) That point 3.2 on page 65 of the policy statement be deleted as this could be perceived as contradictory.

(3) That full Council be recommended to approve the draft Statement of Licensing Policy 2014-2019, as amended.

Extract from the minutes of the Licensing Act Committee held on 7 October 2013:

3 Council's Statement of Licensing Policy 2014-2019 and Cumulative Impact Policy. Licensing Act 2003, setting out the Council's approach for the next 5 years.

The Committee considered the report of the Senior Specialist Advisor regarding the Council's Statement of Licensing Policy 2014-2019, including a revised Cumulative Impact Policy 2014-2019.

As a Licensing Authority, in accordance with Schedule 5 of the Licensing Act 2003, Eastbourne Borough Council must prepare, consult and publish its Statement of Licensing Policy every five years.

The Statement purpose was to promote the four licensing objectives and provided guidance to Local Authorities when considering and determining applications under the Licensing Act 2003. It also assisted applicants, Responsible Authorities and all those making representations (objections) in conjunction with the decision making process.

The scope of the Statement covered the retail sale of alcohol, the supply of alcohol by or on behalf of a Club or to the order of a member of the Club, the provision of regulated entertainment and the provision of late night refreshment.

A public consultation of the Draft Statement of Licensing Policy took place between the 27th June 2013 and the 19th September 2013, in accordance with the requirements of a 12 week consultation.

A range of organisations and individuals, including Ward Councillors were directly consulted about the proposals. To date two responses had been received from the Town Centre Manager and the Town Centre Management Panel Chair, details of which were appended to the report.

The revised Cumulative Impact Policy, appended to the Policy Statement included a statement in support of the Cumulative Impact Zone by the Eastbourne Community Safety Partnership.

The Committee noted the implementation timetable for the Policy. Following tonight's meeting; the Policy would seek the comments of the Cabinet, and then seek the approval of the Full Council before being published in November 2013.

The Committee discussed the Licensing Act Sub Committee process, notably where Sussex Police had initially made a representation objecting to an application before withdrawing prior or at the meeting itself.

The Senior Specialist Advisor outlined the process prior to a hearing. Following an objection by Sussex Police, a negotiating period would occur where it would be up to the applicant to satisfy concerns raised by Sussex Police and this could be done by attaching certain conditions on the licence. If an agreement was made prior to a meeting, the representations are withdrawn and there would no longer be a requirement for a meeting to take place and the application would be approved.

The Committee then discussed the feedback submitted by the Town Centre Manager which expressed a concern about the robustness of the cumulative impact policy on alcohol sales for the town centre in determining future applications. The Senior Specialist Advisor made reference to the recent Tesco, 68 Grove Road application that had been approved after the applicant had addressed the concerns raised by Sussex Police by agreeing to add various conditions to the licence and successfully rebutted the presumption against granting the application arising from the Council's Cumulative Impact Policy. The Senior Specialist Advisor continued that the conditions were added to the licence with the aim of deterring street drinkers.

It was noted that each application was different and would be judged on its own merits. While the Cumulative Impact Policy created a rebuttable presumption when

valid representation was made, an applicant could still provide evidence in their operating schedule or conditions to demonstrate that there would be no negative cumulative impact on the area.

The Committee then made reference to the effect of the Cumulative Impact Policy and the performance figures for crime related incidents inside the Cumulative Impact Zone (CIZ). Although the number of reported crimes had fallen, the proportion of offences inside the CIZ had risen to 31%. Despite this, it was acknowledged that without the Policy, the statistics could potentially be worse and with a Policy in place, it allows the authority to intervene where necessary on applications.

The Senior Specialist Advisor added that there had been a decrease in vertical drinking establishments and most premises licence were attached to Café style establishments. This is consistent with the aims of the Cumulative Impact Policy.

It was requested that on the next follow up for the Licensing Policy, a breakdown of whether there had been an increase or decrease of drinking establishments in the town could be included.

RESOLVED: (1) That the responses to the consultation on the Draft Statement of Licensing Policy 2014-2019 and the proposed timetable leading up to the policy coming into force on 1st January 2014 be noted.

(2) That any further revisions to the draft Policy be delegated to the Senior Head of Infrastructure, in consultation with the Chair of the Licensing Act Committee and the relevant Cabinet holder, prior to and following consideration by Cabinet and up to final consideration and approval by Full Council.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact:
Jay Virgo, Senior Specialist Advisor, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415933 E-mail: jay.virgo@eastbourne.gov.uk

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www.eastbourne.gov.uk

Meeting: Council

Date: Wednesday 20 November 2013

Subject: Wealden and Eastbourne Lifeline – Investment and Change of Governance

Report of: Councillor David Tutt on behalf of the Cabinet

The Council is asked to note the open summary minute of the Cabinet and Scrutiny Committee meetings meeting held on 23 October and 6 November respectively 2013 as set out below.

A separate report by the Chief Finance Officer setting out those matters which can be made public at this time accompanies this report.

The Council is recommended:-

To support the planned development proposal for the business as set out in the confidential (private) part of the agenda.

Extract from the minutes of the Cabinet held on 23 October 2013:

52 Wealden and Eastbourne Lifeline – Investment and change of governance (Budget and Policy Framework).

Cabinet recommended full Council to approve planned development proposals for the company, including governance, funding and delegation arrangements. Scrutiny Committee was also asked to consider this matter at special meeting on 6 November. The proposals were considered to provide for the future success of the company.

Exempt information reasons: 3- Information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.

Extract from the minutes of the Scrutiny Committee held on 6 November 2013:

13 Wealden and Eastbourne Lifeline - Investment and Change of Governance [BPF]

The committee considered the report of the Chief Finance Officer providing planned development proposals for the company, including governance, funding and delegation arrangements.

Exempt information reasons: 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.

For further information please contact:

Alan Osborne, Chief Finance Officer, 1 Grove Road, Eastbourne, BN21 4TW. Tel: (01323) 415149 E-mail: alan.osborne@eastbourne.gov.uk

(der\P:\council\13.11.20\WEL open)

Body:	Council
Date:	20th November 2013
Subject:	Potential Investment in Local Company
Report Of:	Chief Finance Officer
Ward(s)	All
Purpose	To outline the proposal to invest in a local business and the reasons for doing so.
Recommendation(s):	That Council support the planned development proposal for the business as set out in the confidential part of the agenda.
Contact:	Alan Osborne, Chief Finance Officer, Telephone 01323 415149 or internally on extension 5149. Email address: alan.osborne@eastbourne.gov.uk

1.0 Introduction

- 1.1 As reported to Cabinet on 23rd October 2013, an opportunity has arisen to invest in a joint venture linked to a management buy-out of Wealden and Eastbourne Lifeline (WEL). The matter was also considered at a special meeting of Scrutiny Committee on 6th November 2013 and the minutes of that meeting are included elsewhere on this agenda. Due to the commercially sensitive nature of the information, the details of the investment are required to be considered under confidential cover.
- 1.2 This report seeks to update members on the progress of discussions that have shaped the terms of the investment opportunity that has now arisen. It also sets out the options available to Council and seeks a decision on whether to invest in the proposed New Company taking into account the balance of risk involved in the investment.

2.0 Analysis

- 2.1 Wealden and Eastbourne Lifeline ("WEL") was established in 2005, following extensive consultation with stakeholders and a rigorous Best Value review process. The Best Value Review identified that Wealden Lifeline (as it then was) would require increased investment and income to remain viable, competitive and to be able to take advantage of future opportunities for growth and diversification. A joint venture was identified as a possible way forward and in July 2004 a joint working party between the Council and Wealden District Council ("WDC") recommended the merger of a combined service through the creation of a not for profit company limited by guarantee. Accordingly, WEL was formed in October 2005 with the Council

and WDC each having 24% of the voting rights. The remaining voting rights are held by independent directors.

2.2 Although WEL has grown significantly over that period, the Board consider that the current structure and funding arrangements need to change. This is consistent with the original 2005 decision which envisaged that the company would operate for an initial period of five years. During that time the nature of public sector commissioning and the market in which WEL operates have changed significantly. Consequently the Board undertook an options appraisal in 2010. Taking into account all of the options it decided to support a management buy-out backed by further investment.

2.3 Following the options appraisal, the Board and Councils assessed the nature and scale of investment required. As a result of this work it is proposed that the Council become the major investor in a new company which will develop and expand WEL in the future. This is due to a number of factors including:

- Supporting the future growth of the business in a competitive market
- Retaining a significant local employer in Eastbourne
- The ability to play a role in the future of a company providing high quality services to the public sector
- Resolving a long standing pensions liability currently held by the Council
- Taking into account the risks, an opportunity to make a financial return for the Council.

2.4 There are also risks associated with any decision. Should the Council not proceed with the investment then the transaction will not proceed, the pensions liability will not be resolved and the company may find it difficult to raise finance for future investment. The two principal risks of proceeding with the investment are the ability to grow in line with the company's strategy and the retention of existing contracts.

3 Investment Summary

3.1 The proposed structure is that a new company, limited by shares, ("Newco") will be the subject to the investment. The Council would initially subscribe for 70.9% of the share capital and may agree to make further investments to enable the company to grow. The remaining shares will be taken by the MBO Team at completion, with the potential in due course for a further issue of up to 5% of the issued share capital to be issued to other shareholders if agreed by the parties in the future.

3.2 The Council's interests will be secured by retaining two representatives on the Board of the company. These representatives will be mandated by the Council to make decisions regarding the company. The Council's shareholding will entitle it to 49.9% of the voting rights with its interests protected by additional reserved matters relating to significant decisions. Through this combination of representation and reserved matters it is considered that the Council's interests will be secured.

3.3 It is proposed that the Council's initial nomination to the Board at the point of initial investment is the Chief Executive. It is also recommended that an

additional representative is sought at the earliest opportunity which should be subject to cross party support.

3.0 Consultation

- 3.1 Consultation requirements have been considered under the Council's potential statutory obligations relating to Best Value, the Public Sector Equality Duty and Landlord and Tenant. With respect to Best Value a consultation notice was placed on the websites of both Eastbourne Borough Council and Wealden District Council. No significant feedback was received relating to this decision.

4.0 Resource Implications

- 4.1 Financial and staffing – as set out in the confidential section of the agenda

5 Legal Implications

- 5.1 Legal advice has been obtained and the Council has the ability to proceed with the proposal.

5.0 Conclusion

- 5.1 WEL has traded successfully since 2005 however the company's strategy means that a change in governance is now required to enable the organisation to thrive in the future. Working with the MBO team will assist by protecting jobs in the local area and supporting a high quality service. Significantly the Council will also expect a return on investment.
- 5.2 The above must be balanced against the risks of investing, principally the ability for the business to grow and retaining existing contracts.

Alan Osborne
Chief Finance Officer

Background Papers:

None

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Wednesday, 25 September
2013
at 6.00 pm



Audit and Governance Committee

Members: Councillor Ungar (Chairman) Councillors Mattock, Cooke, Ede (as substitute for Belsey), Heaps, Taylor and Tester

(Apologies for absence were reported from Councillor Belsey and Councillor Harris)

8 Minutes of the meeting held on 26 June 2013 - Previously circulated

The minutes of the meeting held on 26 June 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

9 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

None were received.

10 Update - Members and Standards.

The Committee considered the report of the Monitoring Officer in relation to Member Standards.

The Monitoring Officer gave an update to the Committee on the one formal complaint regarding member conduct that was outstanding at the time of the last meeting. Following formal investigation, a decision was made by the Monitoring Officer not to take any further action and all parties were notified accordingly.

The Monitoring Officer advised that no new formal complaints had been received during this quarter.

Member training had been booked to take place in November 2013 to provide an update to members on Standards and related matters. This additional session had been arranged to focus on the relationship between the Code of Conduct for members in light of the Protocol for Member/Officer relations, as instructed by the Standards Panel, who indicated that the session would be relevant to all members.

The Committee was informed that attendance figures for training would be reported at a later meeting, in accordance with the usual practice.

RESOLVED: (1) That the information in relation to complaints against members either received or determined be noted.

(2) That the information regarding member training related to Standards be noted.

11 Update - The Regulation of Investigatory Powers Act (RIPA) and related legislation.

The Committee considered the report of the Monitoring Officer regarding the Regulation of Investigatory Powers Act (RIPA) and related legislation.

At the previous meeting, members agreed that the Audit and Governance Committee would receive quarterly reports on the subject of the monitoring of covert surveillance conducted pursuant to RIPA.

The Committee noted the quarterly returns, compiled for the period 1/6/13 to 1/9/13, detailed in the report. The Monitoring Officer advised that the returns for the quarter were consistent with those of the previous years, indicating very infrequent recourse by this authority to the powers available to it under RIPA.

At the previous meeting, the Monitoring Officer was also invited to report to the Committee regarding the outcome of the Officer of the Surveillance Commissioner's inspection report, which was received on 24 June 2013.

A thorough review was conducted on all aspects of the authority's arrangements which considered Council policies, procedures and guidance materials in addition to interviewing officers at all levels.

The inspection report, attached with a covering letter was included at Appendix 1 of the report. The covering letter noted with approval the 'wholesale change in approach' which had characterised the authority's arrangements with regard to the statutory regime in recent years.

The Monitoring Officer noted that the Inspector had comprehended that the authority had chosen to take a robust approach to the use of the powers available to it, seeing it as an absolute last resort. This was reflected in the Council's policies and procedures and had resulted in a lack of applications for authorised surveillance in the last three years. Although the Inspector had no substantive applications to examine for compliance, she clearly understood the Council's chosen approach and noted with approval the safeguards put in place to ensure that covert surveillance outside the RIPA regime occurs only with rigorous regard to the appropriate safeguards. The Inspector noted the good practice that the authority had put in place in preparation for any future recourse to RIPA. The good practice included helpful guidance materials for officers, good training provisions, internal oversight mechanisms and good surveillance equipment management processes. Further details were contained in the report.

The Inspector's report had given the Council a clean bill of health, although clearly there was no room for complacency and all investigative scenarios must be considered on their individual merits with consideration given at all levels to the appropriate safeguards.

The Committee expressed their thanks to officers for the hard work and diligence which had resulted in a positive inspection.

RESOLVED: (1) The Committee noted that no applications were made by officers of this authority pursuant to the Regulation of Investigatory Powers

Act to conduct covert surveillance during the quarter leading up to 1 September 2013.

(2) That the detailed review in June 2013 of the authority's RIPA-related arrangements, which generated a favourable report, be noted.

12 Internal Audit Report to 30th June 2013.

The Committee considered the report of the Internal Audit Manager regarding a summary of the activities of Internal Audit for the first quarter of the financial year 2013/14.

Audit work carried out to date against the audit plan for 2013/14 was set out in appendix A. The comments noted from the appendix included the number of days taken to carry out the annual audit for BDO, which related to the last financial year but was carried out in this year. The decision made by the Senior Head of Community, in discussion with Eastbourne Homes Ltd was also taken not to carry out a review of Void Management after an initial request and inclusion in the annual audit plan.

A list of all audit reports issued in final from the 1st April to 30th June 2013 and the level of assurance attained were detailed in the report. Those audit report that were given an assurance level of "Performing Inadequately" were Theatre Reconciliations (Annual 2012/13) and Information Governance – Records Management.

The Committee was advised that the Head of Tourism was aware of the issues around Theatre Reconciliations, caused by a member of staff on long term sick leave and the taking on of the Catering Function. These issues would be tackled by the restructuring of Catering and consideration of other mitigating actions.

The Internal Audit Manager continued that work had already begun on addressing the issues relating to Information Governance - Records Management and Civica were being approached to help build the successful delivery of the required records management outcomes into the next phase(s) of the Future Mode project.

A list of all reports issued in final during the year, which were given an assurance level below "Performing Excellently" was set out in Appendix B, with any issues highlighted.

A brief explanation for a number of outstanding high and medium priority recommendations from audits, reasons why they had not been implemented along with the month when the next follow up date was due were set out in appendix C. The Committee noted that the recommendations listed were outstanding at the time of the last follow up review. It was reported that no reviews had a high risk priority for this quarter.

The Committee considered the list of frauds over £10k which was reported to the authority's external auditors on a quarterly basis. The Committee noted that no frauds had been reported in the first quarter of the year.

The General Manager, Eastbourne Theatres addressed the Committee on the topic of Theatres Reconciliations, which had been given a performing inadequately assurance level.

He advised that all the issues noted that had been raised during this quarter had now been addressed and steps had been taken to ensure that a drop in performance would not occur again. The Committee were then given an overview of these steps which included the introduction of monthly reconciliations.

The Committee was advised that the staff member that had been on long term sick leave had now returned and that the next performance quarter should see an improvement in performance.

The Committee queried what would happen should a similar situation arise again with a staff member being absent for a sustained period of time. The General Manager, Eastbourne Theatres responded that Theatres Reconciliation had now been identified as a high priority following an assessment of all Theatres work and would be addressed much earlier than it had previously. To ensure work would be covered to the required level, written guidance had been produced to assist employees covering that work and employees were being developed to cross work and cover each other. This would allow for flexibility should illness occur amongst employees.

The Senior Head of Tourism and Leisure also addressed the Committee and advised that additional member of staff had been employed to assist with catering.

Following a question from the Committee, the General Manager, Eastbourne Theatres explained that the financial process had been streamlined and the majority was now done electronically.

The Committee then asked about the issues noted for Information Governance – Records Management, notably the policies and guidance being in draft form. The Monitoring Officer advised the policy was close to be finalised and would be taken to a future Corporate Management Team.

RESOLVED: That the report be noted.

13 Annual Governance Report 2012/13.

The Committee considered the report of the External Auditors BDO regarding the Annual Governance Report which detailed the key elements of the systems and processes of the Council's governance arrangements.

Mr Lloyd-Thomas was in attendance to present the report and respond to Members' questions. The report was presented in accordance with the Audit Commission's Code of Audit Practice which required BDO to communicate key findings of their audit of the accounts and use of resources prior to issuing an opinion on the accounting statements and value for money conclusion.

Mr Lloyd-Thomas thanked the Chief Finance Officer and his team for their co-operation and assistance throughout the audit.

The Committee were then given an overview of the key findings from the audit and a number of issues that had arisen although these had no material effect on the Council balances.

A number of recommendations were made to improve the effectiveness of financial statements and internal controls operating over specific financial systems and further details were set out in the report.

Mr Lloyd-Thomas confirmed that BDO were satisfied with the proper arrangements to secure economy, efficiency and effectiveness, the Council had put in place. As a result an unqualified value for money conclusion would be issued.

One of the unadjusted audit differences was the valuation of The Goffs that had been originally valued at £606,000 before being re-valued at £500,000. The Committee queried whether there were other assets that were in a similar position. Mr Lloyd-Thomas responded that he wasn't aware of any.

The Committee then discussed the valuation of land and buildings which the Council carries out every five years. BDO advised that there is an expectation that more frequent valuations occur, either as a desktop review or full valuation, in future years. When asked about the valuation of art, the Financial Services Manager advised that they were in discussions with the Executive Director of the Towner Art Gallery. The Committee was informed that the Towner didn't have the resources to perform the valuations in-house and it was impractical to value every five years, with art changing value all the time. It was aimed that a policy would be produced on art valuation that would be economically sensible and viable.

Councillor Heaps suggested that the Towner pull its resources with other art galleries in the area. The Financial Services Manager responded that this was an option that would be worth investigating further.

The Chief Finance Officer addressed the Committee thanking BDO for their report and advised that they would be taking onboard the recommendations suggested in the report.

The Committee thanked the Chief Finance Officer, the Financial Services Manager and their teams for their significant work throughout the audit and expressed their thanks to BDO for their diligent report.

RESOLVED: That the Annual Governance Statement for 2012/13 be approved and the Chairman be authorised to sign the letter of representation on behalf of the Committee.

14 Statement of Accounts 2012/2013.

The Financial Services Manager presented the annual accounts for 2012/13. It was reported that only minor presentational changes had been made to the draft accounts approved in June and a revised copy of the statement of accounts were appended to the report.

BDO had indicated that an unqualified audit opinion on the Council's accounting and group accounting statements would be issued before the statutory deadline of 30 September 2013.

The Annual Governance report highlighted some areas of unadjusted differences, however these were below the level of materiality and no main changes to the main accounting statements were required.

The process for the 2012/13 audit and statement of accounts presentation had represented another significant improvement to the previous years in terms of its accuracy and timeliness.

RESOLVED: (1) That the action taken in respect of the non-trivial but not material errors identified by External Audit be agreed.

(2) That the final audited accounts for 2012/13 be approved.

(3) That delegated authority to the Chief Finance Officer to make minor amendments to the Statement of Accounts be approved.

15 Risk Management.

The Committee considered the report of the Internal Audit Manager regarding an update on progress in respect of the Strategic Risk Register.

The Strategic Risk Register had been taken to Corporate Management Team on 20 August 2013 for the regularly quarterly review.

There was one item raised, concerning risk SR_006. The first mitigating action listed for this risk was "Regularly reviewed and tested Business Continuity Plans". It was discussed that this control was currently not in place.

As a result of this, it was agreed that the current impact score should be raised from 3 (significant) to 4 (major). The level of alert would remain at Amber.

The Corporate Management Team commented that as the authority was currently in a time of transition, it would not be expected that the testing of Business Continuity Plans would be carried out regularly as expected.

The updated register was appended to the report.

RESOLVED: That the amended Strategic Risk Register as appended to the report be approved.

The meeting closed at 6.55 pm

Councillor Ungar (Chairman)

Tuesday, 1 October 2013
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillors Coles (as substitute for Hearn) Jenkins, Miah, Murdoch (as substitute for Liddiard) Murray, Stanley (as substitute for Harris) and Taylor

(Apologies for absence were reported from Councillors Liddiard, Harris and Hearn)

32 Minutes of the meeting held on 3 September 2013. Previously circulated.

The minutes of the meeting held on 3 September 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

33 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

There were none.

34 34 Dillingburgh Road. Application ID 130500 (FP)

130500 (FP) - Land to the rear of 34 Dillingburgh Road - Erection of two-storey detached dwelling house with garage, crossover and dropped curb – **OLD TOWN**. Nine letters of objection had been received.

The relevant planning history for the site was detailed within the report.

The observations of Specialist Advisor – Arboriculture, Senior Transport Development Control Officer at East Sussex County Council and the Senior Planning and Policy Officer at Eastbourne Borough Council were detailed within the report.

NB: Councillor Taylor was no longer present for this item.

RESOLVED: (By 6 votes with 1 abstention) That permission be refused on the grounds that (1) That the proposed dwelling would be out of keeping with the established building pattern and that of the surrounding area and would comprise an alien and intrusive form of development, in an area characterised by semi-detached dwelling houses with deep rear gardens. As such the proposal would conflict with policies B2, C4 and D10A of the Core Strategy Local Plan, Saved Policy UHT1 of the Eastbourne Borough Plan and The National Planning Policy Framework.

(2) That the proposal would adversely affect the amenities of the occupiers of adjacent properties by reason of loss of privacy and overlooking or rear gardens. The proposal would therefore be contrary to B2 of the Core Strategy Local Plan and Saved Policy HO20 of the Eastbourne Borough Plan.

35 42 Wannock Road. Application ID 130516 (PPP)

130516 (PPP), 42 Wannock Road, Proposed Conversion and Extension of an Existing Single Storey Storage Building into a 1 Bedroom, 2 Storey Dwellinghouse – **Devonshire**. Two objections had been received.

The observations of Southern Water, Fire Brigade, Seaboard Energy, Building Control Manager, Environment Agency, County Archaeologist, Local Highway Manager, South East Water and Southern Gas Networks were detailed within the report.

NB: Councillor Taylor was no longer present for this item.

RESOLVED: (By 6 votes to 1) That permission be granted subject to the satisfactory completion of a Unilateral Undertaking in relation to an affordable housing contribution and the following conditions: 1) Time for commencement 2) Approved drawings 3) Access shown on the submitted plan to be stopped up and the kerb and footway reinstated 4) In accordance with the approved Flood Risk Assessment

36 72 Sancroft Road. Application ID 130404 (PPP)

130404 (PPP), 72 Sancroft Road - Erection of new dwelling adjacent to 72 - a replica version of 72 Sancroft Road with matching materials – **OLD TOWN**. 22 letters of objection had been received. Four further letters of objection had been received.

The Council's Arboriculturalist raised no objection subject to conditions requiring tree protection and landscaping.

Paul Honeyford, objector, addressed the committee stating that the proposals were contrary to Council Policy and would increase the driving dangers experienced on this road during the winter months.

Martin Catterick, objector, addressed the committee reiterating the previous speakers comments and stating that it would be an overdevelopment of the site with narrow parking entrance and no where for plant storage during any proposed build.

Riad Thomas, applicant, addressed the committee in response stating that the site was not a greenfield site, the building had been designed to be a copy of the surrounding properties and the removal of a parking space would increase the viewing aspects for drivers approaching the junction.

NB: Councillor Taylor was no longer present for this item.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) The proposed development is considered unacceptable by virtue of its excessive footprint and massing which would dominate this constrained corner site, requiring significant alterations to ground levels to facilitate the development. As such, it is considered that the proposal would be inappropriate, unsympathetic and would fail to harmonise with the character, appearance and development pattern of the local area contrary to Policies UHT1, UHT4 and HO6 of the Eastbourne Local Plan and Policies B1 and B2 of the Eastbourne Core Strategy and the National Planning Policy Framework. 2) The proposed development would significantly harm surrounding visual and environmental amenity of existing and future residents by virtue of its inappropriate and obtrusive siting resulting in the potential loss of existing trees, bushes and planting and the open nature of the garden on this sweeping corner on a prominent junction. As such, the proposal would be contrary to Policies H06 and HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy. 3) The proposed development is considered unacceptable by virtue of its failure to provide sufficient off-street parking spaces for the proposed and existing houses which is likely to add to increased overnight on-street parking stress in the local area and highway safety concerns on a busy junction. As such, the proposal would be contrary to Policy TR11 of the Eastbourne Borough Local Plan and East Sussex County Council parking standards SPG. 4) It has not been demonstrated that the proposed development would address principles of sustainable development or meet the minimum requirement of Code Level 4 of the Code for Sustainable Homes. As such, it is considered that the proposal is unacceptable and fails to accord with Policy D1 of the Eastbourne Core Strategy and the requirements of the Sustainable Building Design Supplementary Planning Document. 5) It has not been demonstrated that the mandatory requirements of the Councils policy in respect of affordable housing cannot be met and therefore the proposal fails to comply with Policy D5 of the Eastbourne Core Strategy 2006-2027 and the Affordable Housing Implementation Technical Note 2013.

Appeal: Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations

37 Fisherman's Quay, Atlantic Drive. Application ID 130442

130442 - Atlantic Drive, Site 3, Land rear of 29 The Waterfront -

Proposed Fishing Quay comprising of buildings with storage and chiller Space and office accommodation to upper floors and separate Visitor Centre – **SOVEREIGN**. One letter of objection, two letters of concern and five letter of support had been received

The relevant planning history for the site was detailed within the report.

The observations of Southern Water and Sovereign Harbour Residents Association were detailed within the report.

Jan Weeks, Sovereign Harbour Residents Association, addressed the committee in support stating that the design was appropriate for the area and would provide security for the fishermen, extra employment and the purpose built structure would reduce the impact on residents.

Stephen Lloyd MP, addressed the committee in support of the application stating that the structure would improve the facilities for the fishing fleet in Eastbourne and would be a draw for residents and visitors alike.

RESOLVED: (Unanimous) That planning permission be granted subject to the following conditions: 1) Commencement of development within three years 2) Drawing Nos. of approved plans 3) Samples of all materials 4) Further details of building operations 5) Submission and approval of a Construction Environmental Management Plan 6) Submission and approval of a Construction Traffic Management Scheme 7) Programme of archaeological works 8) Site contamination 9) Drainage Strategy (surface water, use of SuDs and foul) 10) Lighting Strategy 11) Refuse and recycling details 12) Landscaping details 13) Boundary treatment details 14) Car parking spaces to be provided 15) Cycle parking 16) No building to be occupied until certificate has been issued certifying BREEAM rating of 'Very Good' 17) Method statement for handling unspecified contamination 18) Wheel washing facilities on site 19) Restriction of external noise levels 20) Hours of building operations 21) No burning of waste on site 22) Servicing details 23) In accordance with FRA 24) Details of all plant and machinery (e.g. air conditioning, refrigeration units, extraction system) including predicted noise levels 25) Construction access details and details of location and size of any temporary structures 26) Details of directional signage 27) Foundation design 28) Details of any temporary structures/hoardings 29) Finished floor levels and Details of any changes to site levels to be provided prior to commencement on site 30) Bird deterrent measures 31) Opening hours of Visitor Centre 7.00am to 10.00pm.

The proposed development will have no significant detrimental effect on the wider visual amenities of the locality, the highway network or residential amenity and therefore conforms with all relevant planning policies.

38 Gateway Christian Church, Frenchgate Road. Application ID 130515

130515 (PPP) - Gateway Christian Church, Frenchgate Road -

Demolition of existing buildings, removal of temporary buildings and sheds and the erection of a new church and community centre, including external works – **HAMPDEN PARK**. Seven letters of objection and 37 comments of support had been received.

The relevant planning history for the site was detailed within the report.

The observations of Sussex Police were detailed within the report.

NB: Councillor Taylor was no longer present for this item.

Mr Goymer, objector, addressed the committee stating that the development would result in a loss of light and view to his neighbouring property, the proposed building edge would restrict views for vehicles turning into and out of neighbouring roads, there would not be enough

parking for patrons, and the development would be out of keeping with the surrounding area.

Mr Saville, Architect, addressed the committee in response stating that the development would be a significant investment in the area providing additional community facilities and a Police presence in the new building (as is currently provided). Mr Saville also felt that the building would be a landmark development giving a boost to the local area.

NB: Councillor Taylor was no longer present for this item.

RESOLVED: (By 5 votes with 2 abstentions) That permission be granted subject to the following conditions: 1) Time limit for commencement 2) In accordance with approved drawings 3) Submission of samples of materials 4) Submission of details of the cycle storage facilities 5) Vehicular access to be constructed prior to occupation 6) Layout of parking spaces prior to occupation of building 7) Protection of visibility splays 8) Details of boundary treatment 9) Standard demolition hours of work condition.

39 Kings Drive. Application ID 130468 (RMT)

130468 (RMT) - Land East Of Kings Drive, Kings Drive - Application for approval of reserved matters (Details of the appearance and scale of buildings and landscaping of the site) following outline approval. (EB/2010/0003- Outline Planning Permission for 119 new Dwellings) – **RATTON.** 20 letters of objection had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Downland, Trees and Woodland Manager, Housing Services Manager, Local Highway Manager, County Archaeologist and Natural England were detailed within the report.

Paul Humpheys' Bespoke, addressed the committee in objection requesting that cycle parking be provided for houses as well as flats, and that the proposed cycle route connect with the existing route.

Stephen Lloyd MP, addressed the committee in objection endorsing Bespoke's comments and stating that the designs were inappropriate for the surrounding area, which would not assist in mitigating the impact of the development. Stephen Lloyd also highlighted his concerns regarding the loss of trees and potential damage to remaining landscaping.

Patrick Griffin, Agent, addressed the committee in response stating that the cycle route requested by Bespoke had been included, however they had no control over routes outside the development area.

The committee considered the proposals and agreed that the design was out of keeping with the surrounding areas. The committee also felt that the plans were not detailed enough, with the design not being 'inspiring' for the site in such a prominent location.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal by reason of inappropriate design detailing fails to maintain the character and appearance of the site and surrounding area and as such is considered to result in material harm to the long and short range views into and out of the site. The proposal is therefore contrary to Saved Policy UHT1 of the Eastbourne Borough Plan (2001-2011).

Appeal: Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

40 Marine Road CAC. Application ID 130316

130316 - 14 and 15 Marine Road And 1 Leaf Hall Road - Demolition of buildings (14 and 15 Marine Road) and construction of 3 new terrace houses in addition to change of use from car valeting to residential with creation of flat at 1 Leaf Hall Road – **DEVONSHIRE**. One letter of support had been received.

The relevant planning history for the site was detailed within the report.

The observations of Highways, Planning Policy and Conservation were detailed within the report.

NB: Councillor Taylor was no longer present for this item.

RESOLVED: (Unanimous) That permission be granted for Conservation Area Consent subject to the following conditions: 1) Time for commencement 2) Standard Demolition Condition.

41 Marine Road PP. Application ID 130216

130216 - 14 and 15 Marine Road And 1 Leaf Hall Road - Demolition of buildings (14 and 15 Marine Road) and construction of 3 new terrace houses in addition to change of use from car valeting to residential with creation of flat at 1 Leaf Hall Road – **DEVONSHIRE**. One letter of support had been received.

The relevant planning history for the site was detailed within the report.

The observations of Highways, Planning Policy and Conservation were detailed within the report.

NB: Councillor Taylor was no longer present for this item.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Hard and soft landscaping to be submitted 3) Foul and surface water details to be submitted 4) Materials to be submitted 5) Details of cycle parking 6) Construction and demolition times 7) Removal of PD rights 8) Refuse and recycling facilities to be submitted 9) Means of enclosure to be submitted 10) In accordance with approved plans

42 South Downs National Park Authority Planning Applications - verbal report.

There were none.

NOTED.

43 Motcombe Baths, Motcombe

Members considered the report of the Specialist Advisor Conservation Design proposing that the Motcombe Baths, in Motcombe Conservation Area be included inclusion in The Local List. A list of Buildings of Local Interest is held by The Council and comprises buildings or structures which make a special contribution to the Townscape; represent the work of an important local Architect represent a particular style of Architecture, or period in the development of the town.

Members noted that following consideration by CAAG (Conservation Area Advisory Committee), on 27th August 2013, the Group praised the quality of the supporting document, appended to the report and unanimously supported the recommendation to the Planning Committee for the inclusion of Motcombe Baths as a Building of Local Interest as its meeting on 1 October 2013.

Public comments had been invited on the inclusion of The Motcombe Baths in the local list of Buildings of Local Interest for a period of 21 days between 27th August 2013 and 17th September 2013.

The report appended to this document had been made available at 1 Grove Road, and at The Town Hall.

No representations had been made, however comments relating to content, and/or to support the motion in an informal manner, had been received by the Specialist Advisor, Conservation & Design.

Members were asked to agree to consult on the inclusion of The Baths, Motcombe, as a Building of Local Interest.

RESOLVED: That the Planning committee agree to the consultation on the inclusion of The Baths, Motcombe, as a Building of Local Interest.

44 Eastbourne Town Centre Local Plan (formerly known as Eastbourne Town Centre Area Action Plan).

Members were advised that the Eastbourne Town Centre Local Plan (TCLP) had been shaped over the last 4 years by close consultation with the community and stakeholders. The Local Plan set out a strategy and proposals for the future development and regeneration of the Town Centre up to 2027.

The TCLP had been prepared in accordance with the relevant government regulations and was submitted to the Government on 31st January 2012. Following some concerns the Inspector had with the content of the submitted Plan, the Council made changes to strengthen the policy base of

the document, to ensure it demonstrates how and when Town Centre proposals would be delivered. These modifications to the TCLP were approved by Cabinet on 6 February 2013 and consulted on between 22nd February and 5th April 2013.

The Examination in Public for the TCLP took place on Thursday 16th and Friday 17th May 2013.

The Council published a list of proposed Main Modifications to the TCLP and stakeholders and the local community were invited to make representations on the 'soundness' of these proposed Main Modifications between 14th June and 26th July 2013.

At a meeting of the Local Planning Steering Group on 30th July it was reported that seven representations had been received. Members acknowledged the representations received and endorsed the responses detailed in the briefing note that had been prepared for the meeting. Copies of the representations were forwarded to the Inspector to enable her to prepare a report into the Local Plan's soundness.

In order to ensure that the plan was found sound, the Council requested that it wished the Inspector to recommend any further modifications to the TCLP that were necessary to make it sound or legally compliant and therefore capable of adoption.

The Final Inspectors Report, together with the Inspector's Appendix of proposed Main Modifications (MMs) was formally received on 11 September 2013. This can be viewed along with the TCLP on the Eastbourne Borough Council website www.eastbourne.gov.uk/tclp. The documents can also be viewed in hard copy format at the Eastbourne Borough Council Offices, 1 Grove Road and local libraries.

Members were asked for their views on the attached report which would be reported to Cabinet at their meeting on 23 October 2013

RESOLVED: That Planning committee support Cabinet's recommendation to Full Council that the Eastbourne Town Centre Local Plan be formally adopted.

The meeting closed at 9.00 pm

Councillor Ungar (Chairman)

Monday, 7 October 2013
at 6.00 pm



Licensing Act Committee

Members: Councillor Shuttleworth (Chairman) Councillors Ungar (Deputy Chairman), Ansell, Coles, Cooke, Liddiard, Murdoch, Stanley, Warner and West

(Apologies for absence were reported from Councillor Hearn, Councillor Murray and Councillor Thompson)

1 Minutes of the meeting held on 14 January 2013.

The minutes of the meeting held on 14 January 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

None were received.

3 Council's Statement of Licensing Policy 2014-2019 and Cumulative Impact Policy. Licensing Act 2003, setting out the Council's approach for the next 5 years.

The Committee considered the report of the Senior Specialist Advisor regarding the Council's Statement of Licensing Policy 2014-2019, including a revised Cumulative Impact Policy 2014-2019.

As a Licensing Authority, in accordance with Schedule 5 of the Licensing Act 2003, Eastbourne Borough Council must prepare, consult and publish its Statement of Licensing Policy every five years.

The Statement purpose was to promote the four licensing objectives and provided guidance to Local Authorities when considering and determining applications under the Licensing Act 2003. It also assisted applicants, Responsible Authorities and all those making representations (objections) in conjunction with the decision making process.

The scope of the Statement covered the retail sale of alcohol, the supply of alcohol by or on behalf of a Club or to the order of a member of the Club, the provision of regulated entertainment and the provision of late night refreshment.

A public consultation of the Draft Statement of Licensing Policy took place between the 27th June 2013 and the 19th September 2013, in accordance with the requirements of a 12 week consultation.

A range of organisations and individuals, including Ward Councillors were directly consulted about the proposals. To date two responses had been received from the Town Centre Manager and the Town Centre Management Panel Chair, details of which were appended to the report.

The revised Cumulative Impact Policy, appended to the Policy Statement included a statement in support of the Cumulative Impact Zone by the Eastbourne Community Safety Partnership.

The Committee noted the implementation timetable for the Policy. Following tonight's meeting; the Policy would seek the comments of the Cabinet, and then seek the approval of the Full Council before being published in November 2013.

The Committee discussed the Licensing Act Sub Committee process, notably where Sussex Police had initially made a representation objecting to an application before withdrawing prior or at the meeting itself.

The Senior Specialist Advisor outlined the process prior to a hearing. Following an objection by Sussex Police, a negotiating period would occur where it would be up to the applicant to satisfy concerns raised by Sussex Police and this could be done by attaching certain conditions on the licence. If an agreement was made prior to a meeting, the representations are withdrawn and there would no longer be a requirement for a meeting to take place and the application would be approved.

The Committee then discussed the feedback submitted by the Town Centre Manager which expressed a concern about the robustness of the cumulative impact policy on alcohol sales for the town centre in determining future applications. The Senior Specialist Advisor made reference to the recent Tesco, 68 Grove Road application that had been approved after the applicant had addressed the concerns raised by Sussex Police by agreeing to add various conditions to the licence and successfully rebutted the presumption against granting the application arising from the Council's Cumulative Impact Policy. The Senior Specialist Advisor continued that the conditions were added to the licence with the aim of deterring street drinkers.

It was noted that each application was different and would be judged on its own merits. While the Cumulative Impact Policy created a rebuttable presumption when valid representation was made, an applicant could still provide evidence in their operating schedule or conditions to demonstrate that there would be no negative cumulative impact on the area.

The Committee then made reference to the effect of the Cumulative Impact Policy and the performance figures for crime related incidents inside the Cumulative Impact Zone (CIZ). Although the number of reported crimes had fallen, the proportion of offences inside the CIZ had risen to 31%.

Despite this, it was acknowledged that without the Policy, the statistics could potentially be worse and with a Policy in place, it allows the authority to intervene where necessary on applications.

The Senior Specialist Advisor added that there had been a decrease in vertical drinking establishments and most premises licence were attached to Café style establishments. This is consistent with the aims of the Cumulative Impact Policy.

It was requested that on the next follow up for the Licensing Policy, a breakdown of whether there had been an increase or decrease of drinking establishments in the town could be included.

RESOLVED: (1) That the responses to the consultation on the Draft Statement of Licensing Policy 2014-2019 and the proposed timetable leading up to the policy coming into force on 1st January 2014 be noted.

(2) That any further revisions to the draft Policy be delegated to the Senior Head of Infrastructure, in consultation with the Chair of the Licensing Act Committee and the relevant Cabinet holder, prior to and following consideration by Cabinet and up to final consideration and approval by Full Council.

The meeting closed at 6.23 pm

**Councillor Shuttleworth
(Chairman)**

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Tuesday, 8 October 2013
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

Councillor Shuttleworth (Chairman) and Councillors Thompson, Belsey and Warner

Officers:

Ms C Dales – Specialist Advisor – Conservation and Design
Ms J Sabin – Case Worker

ADVISORS:

Mr N Howell, Eastbourne Society

(An apology of absence was reported from Mr Crook)

24 Minutes of the meeting held on 27 August 2013 - Previously circulated.

The minutes of the meeting held on 27 August was submitted and approved and the Chairman was authorised to sign them as a correct record.

25 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

Councillor Belsey declared a personal interest in item 6 – Myrtle Cottage, Old Barn Close and remained in the room but did not take part in the discussion.

26 Planning Applications - Decisions of the Borough Council

The decisions of the Planning Committee on applications in Conservation Areas were reported.

NOTED.

27 Planning Applications for Consideration

The Specialist Advisor - Conservation and Design reported on planning applications for consideration in the Conservation Areas. The Group's comments were set out in the schedule below.

1) 130530 & 130712 (Full Plans & Listed Building Consent) 11 THE GOFFS

Cons Area: N/A

Proposal: The conversion of a detached house currently set out and used as housing in multiple occupation into a single dwelling.

CAAG Comments: This application was deferred subject to revised plans being submitted by the applicant.

2) 130550 (Full Plans) TESCO, 68 GROVE ROAD

Cons Area: Town Centre & Seafront

Proposal: Minor material amendment to permission EB/2012/0667 for the change of use of part of ground floor from offices (B1) to retail (A1) together with new shopfront. Amendment sought: Relocation of the shopfront entrance to the left of the front elevation.

CAAG Comments: No objections raised.

3) 130584 (Full Plans) 34 LUSHINGTON ROAD

Cons Area: Town Centre & Seafront

Proposal: Retrospective Application for the installation of double glazing replacement windows on the rear elevation.

CAAG Comments: This application was not discussed at the meeting as the proposal had been approved under delegated powers.

4) 130607 (Advertisement consent) THE MALTHOUSE, 126 WISH HILL

Cons Area: Willingdon

Proposal: Swing sign attached to existing bracket on side street side of building.

CAAG Comments: This application was deferred due to insufficient details being submitted by the applicant.

5) 130610 (Full Plans) PREMIER EXTRA, SEASIDE ROAD

Cons Area: Town Centre & Seafront

Proposal: Alterations to shopfront and relocation of staircase serving flats above shop unit.

CAAG Comments: The Group raised no objections in principle subject to better detailing on the enclosure. It was suggested that a slate covered mansard be used instead as it would be more appropriate for the surrounding Conservation Area.

6) 130613 (Householder) MYRTLE COTTAGE OLD BARN CLOSE

Cons Area: Willingdon

Proposal: Single storey extension to rear elevation.

CAAG Comments: The Group raised objections to the proposal as the extension would be out of keeping with the surrounding conservation area. The Group identified concerns with the design, mass of the roof and the inappropriate detailing. The proposal would also have a detrimental impact on the adjacent listed building. It was suggested that the applicant submit a revised design that would be more appropriate for the area.

(NB: Councillor Belsey declared a personal interest in this item and remained in the room but did not take part in the discussion)

7) 130639 (Householder) 2 WARREN COURT, 3A MEADS STREET

Cons Area: Meads

Proposal: Replacement of existing wooden framed, double glazed windows at the rear elevation of Flat 2, to white internally beaded UPVC windows.

CAAG Comments: No objections raised.

8) 130663 (Listed Building Consent) 16 ALL SAINTS, 22 DARLEY ROAD

Cons Area: Meads

Proposal: Installation of secondary glazing to three windows on ground floor of duplex flat.

CAAG Comments: The Group raised objections to the secondary glazing and the impact it would have on the character and appearance of the listed building. It was suggested that the windows should be altered to accommodate slimline double glazing.

9) 130668 (Listed Building Consent) CORNFIELD HOUSE, 15 CORNFIELD TERRACE

Cons Area: Town Centre & Seafront

Proposal: Renewal of Listed Building Consent for change of use of property for use as 6 self contained flats with associated works. (Original permission REF: 100365 -OLD REF: EB/2010/0431)

CAAG Comments: No objections raised.

10) 130673 & 130674 (Householder & Conservation Area Consent) 11 PARK CLOSE

Cons Area: Park Close

Proposal: Proposed two storey rear extension. Demolition of existing garage and erection of replacement garage. Conservation Area Consent also applied for (REF: 130674)

CAAG Comments: Due to a technical issue, it was agreed that the application be deferred subject to plans and details of the proposal being forwarded to the Group following the meeting. The Group's comments would be recorded at the next meeting.

11) 130683 (Full Plans) 31 LUSHINGTON ROAD

Cons Area: Town Centre & Seafront

Proposal: Single storey extension to side.

CAAG Comments: The Group raised no objections in principle with the extension subject to a compromise being agreed with the applicant over a suitable design of the extension that preserves the character of the surrounding area. The Group had expressed concerns about the loss of the boundary wall but suggested incorporating a new rendered wall into the side wall of the extension, together with the relocation of the windows.

Mr Hanna addressed the Group in support of the application.

12) 130690 (Full Plans) 18-22 TERMINUS ROAD

Cons Area: Town Centre & Seafront

Proposal: Variation of condition 2 (approved drawings) and removal of condition 3 (materials) attached to planning permission EB/2011/0402. Proposed conversion of office accommodation on first and second floors to provide 3 residential units (1No. Studio and 2No. 1 bed flats) including provision of balcony at first floor level and roof garden at second floor level.

CAAG Comments: No objections raised.

13) 130693 (Full Plans) T J HUGHES, 177-187 TERMINUS ROAD

Cons Area: Town Centre & Seafront

Proposal: Remove existing terrazzo slabs around the perimeter of the store at Terminus Road and Seaside Road due to poor condition and replace with new terrazzo tiles to match existing.

CAAG Comments: The Group raised no objections subject to the approval of materials.

NOTED.

28 New Listings

The Specialist Advisor – Conservation and Design advised the Group that the Tally Ho pub had been given a Grade II listing. The Group was also advised that following its meeting on the 1 October 2013, the Planning Committee agreed to include The Motcombe Baths in the list of Buildings of Local Interest.

NOTED.

29 Dates of future meetings - All at 6.00 p.m. at the Town Hall

The date of the next meeting was confirmed as the 19 November 2013 (at 6.00pm at the Town Hall).

The meeting closed at 7.10 pm

**Councillor Shuttleworth
 (Chairman)**

Cabinet



Minutes of meeting held on Wednesday, 23 October 2013 at 6.00 pm.

Present:-

Councillors **David Tutt** (Chairman and Leader of the Council), **Gill Mattock** ((Deputy Chairman and Deputy Leader of the Council), **Margaret Bannister**, **Carolyn Heaps**, **Troy Tester** and **Steve Wallis**.

39 Minutes of the meeting held on 4 September 2013

The minutes of the meeting held on 4 September 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

40 Declarations of interest by members (please see note at end of agenda).

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

- (a) Councillor Tutt declared a personal and prejudicial interest in matters reported in minute 41 (Assets of Community Value) in view of a family connection with one of the petitioners and withdrew from the meeting.
- (b) Councillor Tester declared a personal and prejudicial interest in matters reported in minute 41 (Assets of Community Value) in view of his management role in 2 pharmacies near the subject premises and withdrew from the meeting.
- (c) Councillors Mattock and West declared personal (and non-prejudicial) interests in matters reported in minute 52 (Wealden and Eastbourne Lifeline) as they were non-executive directors of the company. They chose to withdraw.
- (d) The Monitoring Officer reported that dispensations had been granted to all Councillors on 9 October 2013 to enable them to participate in discussions and in voting on all matters relating to minute 45 (Information Technology provision for elected members).

41 Assets of Community Value (ACV) - Localism Act 2011

41.1 Cabinet considered the report of the Deputy Chief Executive. The Localism Act 2011 provided for a scheme whereby local authorities were required to maintain a list of assets of community value which had been nominated by the local community and which in the view of the authority met detailed criteria. When listed assets came up for sale or change of ownership, a moratorium was imposed to give community groups the time to develop a bid and raise the money to buy the asset when it came

on the open market. The objective of the regime was to help local communities retain relevant sites in public use as part of local life. Regulations prescribed in detail how the Council should operate the scheme. A summary of the requirements was set out in the report.

41.2 The Council's first application for listing as an asset of community value had been received in relation to the Drive Public House, 153 Victoria Drive. A copy of the application was appended to the report. Taking into account all of the evidence available, Cabinet was recommended to enter the property into the Council's list of Assets of Community Value. The grounds for this recommendation were as follows:

- The asset lay within the administrative boundaries of Eastbourne Borough Council.
- The Save the Drive group was considered to be a community body with a local connection and is entitled under 89(2)b)(iii) of the Act to make a community nomination in respect of the Asset.
- The nomination made by the community body included the matters required under Regulation 6 of the Regulations.
- The Asset did not fall within a description of land which might not be listed as specified in Schedule 1 of the Regulations.
- The nomination form sets out the reasons for nominating the asset, explaining why the nominator believed the Asset met the definition in the Act.

And, in addition, in the opinion of the Authority,

(a) there was a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it was realistic to think that there would be a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

41.3 Under the legislation, the decision-making process was circumscribed by the Regulations. These set strict criteria for decision-making and left minimal scope for creative interpretation. For these reasons it would be appropriate to agree delegated arrangements to allow officers to deal with future applications. These were summarised in Appendix 2 to the report.

41.4 Resolved: (1) That 153 Victoria Drive be listed as an asset of community value pursuant to regulations made under the Localism Act 2011 and that the reasons as set out above be confirmed

(2) That the arrangements for the determination of future nominations to list assets as asset of community value outlined in the officer's report, together with the specific delegations to officers outlined in Appendix 2 to the report, be approved.

Note: See minute 40(a)-(b) above as to disclosures of interest by Councillors Tester and Tutt. Councillor Mattock took the chair for this item.

42 * Eastbourne Community Safety Plan

42.1 Cabinet considered the report of the Senior Head of Community inviting consideration of the achievements and future risks and opportunities to performance in relation to the 2011/14 Community Safety Plan. Bob Gough, Eastbourne Crime Reduction Officer and Chief Inspector Steve Biglands, District Police Commander, were invited to address the Cabinet.

42.2 Cabinet had previously endorsed the successful performance of the Eastbourne Community Safety Partnership. In 2005/2006 Eastbourne was subject to around 11,000 crimes. For the performance year 2010/2011 this had dropped to approximately 7,500 crimes. For the current rolling year up to the end of June 2013, this had reduced to around 6,000 crimes, a further reduction of 9% compared with the same period last year. A copy of the 3-year plan (2011/14) and final year refresh (2013/14) along with the 2013/14 action plan were appended to the report.

42.3 Concerns were raised at the possibility that the Partnership's budget could be reduced in future and that this could impact on performance in 2014/15.

42.4 * Resolved (Budget and Policy Framework): (1) That Cabinet notes the CSP's achievements and future risks/opportunities to performance and endorses the updated 2011/2014 Community Safety Plan with continued delegated implementation authority to Senior Head of Community.

(2) That full Council be asked to approve the updated Plan.

43 * Eastbourne Town Centre Local Plan

43.1 Cabinet considered the report of the Senior Head of Development. The Eastbourne Town Centre Local Plan (TCLP) had been shaped over the last 4 years by close consultation with the community and stakeholders. The Local Plan set out a strategy and proposals for the future development and regeneration of the Town Centre up to 2027.

43.2 The TCLP had been prepared in accordance with the relevant government regulations and had been submitted to the government on 31 January 2012. Following some concerns the Inspector had with the content of the submitted Plan, the Council made changes to strengthen the policy base of the document, to ensure it demonstrated how and when Town Centre proposals would be delivered. These modifications to the TCLP were approved by Cabinet on 6 February 2013 and consulted on between 22 February and 5 April 2013.

43.3 The Examination in Public for the TCLP took place on 16/17 May 2013 and the focus of the examination sessions included discussions on the following key issues:

Matter 4: Quantum and Type of Development

Matter 5: Development Opportunity Sites – General Matters

Matter 6: Development Opportunity Sites – Site Specific Matters
 Matter 7: Public Realm Projects/Initiatives

43.4 During the hearing sessions, the Planning Inspector sought additional information and clarification from the Council on a number of matters. The Council was invited to put forward suggested amendments to address or clarify these issues. The Council published a list of proposed Main Modifications to the TCLP and stakeholders and the local community were invited to make representations on the 'soundness' of these proposed Main Modifications between 14 June and 26 July 2013. Seven representations were received and these had been forwarded to the Inspector along with the Council's response (which had been formulated in liaison with the Local Plan Steering Group).

43.5 The Final Inspector's Report, together with the Inspector's Appendix of proposed Main Modifications was received on 11 September 2013 and had been made available for public to view in person and on the Council's website.

43.6 The Inspector's report had concluded that the TCLP provided an appropriate basis for the planning of the Town Centre over the next 15 years providing a number of modifications are made to the Plan. Most of the modifications to address this were proposed by the Council, and the Inspector recommended their inclusion after full consideration of the representations from other parties on these issues.

43.7 The modifications were summarised as follows:

- Amend references to planning for housing and office space to ensure consistency with the Eastbourne Core Strategy Local Plan (adopted February 2013).
- Make a range of changes to the development opportunity sites to clarify their status as site allocations, set out a clear programme and strategy for delivery and demonstrate that project planning has commenced.
- Make changes to ensure that the public realm projects, including the arts trail, are positively planned and deliverable.
- Clarify the methodology and timing for taking forward the potential areas of change.
- Update development management policies to take account of recent developments and strategies, especially the cycling strategy.
- Re-draft the building heights/ tall buildings policy to ensure that it is justified and coherent.
- Re-draft the implementation and monitoring section to ensure that it is effective and supports delivery of the Plan.

43.8 After adoption, the Local Plan policies would be material considerations in the determination of planning applications for development in the Town Centre, along with the Eastbourne Core Strategy Local Plan and the saved policies from the Eastbourne Borough Plan (2003).

43.9 The TCLP would also be a guide for developers and the community to show where and how the Town Centre would grow and develop in the future. Its main vision was that by 2027, 'Eastbourne Town Centre would be a place that attracted more shoppers, workers, residents and visitors to spend more time enjoying a vibrant and varied offer and mix of uses in a well connected series of attractive streets and public spaces. Increasing investment in the town would bring wide-ranging benefits and would allow Eastbourne to respond positively to climate change.

43.10 * Resolved (Budget and Policy Framework): (1) That full Council be recommended to approve for adoption the Eastbourne Town Centre Local Plan along with the revised Policies Map.

(2) That any minor or technical adjustments found necessary in the Town Centre Local Plan are delegated to the Senior Head of Development in consultation with the Cabinet portfolio holder.

44 Counter Fraud Prosecution Policy

44.1 Cabinet considered the report of the Senior Head of Community. It was estimated that nationally £5.2b was lost to the public purse each year through fraud and error in the welfare benefits system. In addition, £90m was lost nationally in Council Tax revenue through Single Person Discount Fraud.

44.2 In 2010, HM Revenue and Customs and the Department for Work and Pensions produced a Fraud Strategy document which set out an approach to fraud under five themes - Prevent, Detect, Correct, Punish and Deter. The Council's Benefit team had procedures in place to prevent fraud entering the system, detect fraud that got into the system and correct claims that were found to be incorrect. The policy now before Cabinet for approval set out the Council's approach to the Punish and Deter themes.

44.3 Since the current counter fraud policy was adopted (February 2008) significant changes to legislation had occurred, including the increase in the level of administrative penalties; the introduction of a local scheme of support to replace Council Tax Benefit and the re-focussing of the fraud team on more corporate-wide issues.

44.4 Even with robust procedures in place fraud and error would enter the system. This could be through a person starting work and not telling the Council or someone claiming a Council Tax discount which they were not entitled to.

44.5 In 2012/13 the Fraud team identified £472,198 of overpaid benefit. This was made up of a combination of fraudulent activity and claimant error. The team administered 15 prosecution, 11 administrative penalties and six cautions. The activities of the fraud team prevented £418,279 in benefit being paid out where there was no, or a reduced, entitlement.

44.6 The revised policy was appended to the report and maintained many of the principles of the current policy. For example, there were no changes to sanctions limits, whilst incorporating changes to legislation; the introduction of a local scheme of support for Council Tax and taking on board comments received from the Citizens Advice Bureau during the consultation exercise.

44.7 Resolved: That the Counter Fraud Prosecution policy is adopted.

45 * Information Technology Provision for Elected Members

45.1 Cabinet considered the report of the Senior Head of Infrastructure following detailed work undertaken to examine the future IT requirements of Councillors in the light of the Council's move to agile and other new working methods. Councillors had participated in a workshop event and a group of councillors were trialling the use of tablet devices. A new committee management system had recently been implemented and part of this work had also involved exploring how committee documents could be delivered electronically to the tablet devices via an app.

45.2 Councillors and officers needed access regularly to confidential information, i.e. any information that was not in the public domain, to enable them to fulfil their role. Government security requirements, mandated by the Public Services Network (PSN) Code of Connection, as well as data protection legislation, required the Council to ensure that such data and information was properly secured in accordance with a detailed set of standards.

45.3 The current IT options available to councillors were approved by Council in July 2007. Option 1 involved councillors providing their own IT equipment. Option 2 involved the council delivering a full solution including laptop and broadband. Currently 21 councillors had opted for Option 1 and six for Option 2.

45.4 As a result of the security requirements mentioned above, the Council was required to withdraw Option 1. All councillors would need to be provided with council equipment to ensure that the Council maintained its PSN accreditation. In this context, the proposed new options were as follows:

- Option 1 – a portable tablet solution enabling secure mobile access to email, council documents and committee papers.
- Option 2 – a standard council laptop, of the same model issued to council staff with a flexible work style.

45.5 As part of these changes it would be necessary to temporarily withdraw the use of Outlook Web Access, which currently enabled councillors to access their council email from non-council equipment, such as home computers, smartphones and personal tablets. It was hoped to reinstate Outlook Web Access from non-council devices following an upgrade of the email server and the installation of some additional security in 2014.

45.6 The options approved in 2007 made provision for an IT allowance to be given to councillors who selected Option 1. Councillors who selected Option 2 did not receive an allowance. Consideration was given to the impact of the new options on the IT allowance for members. Much had changed since the 2007 report. Most homes now had broadband provision, wi-fi was widely available and many people now used tablet computers instead of laptops and e-book readers or tablets instead of reading hard copy books and newspapers. The council's own agile working programme had radically reduced the use of paper across the organisation and the intention was that councillors would rely less on paper over time.

45.7 It was therefore proposed that, irrespective of the option selected, the council would not provide broadband or printing facilities at councillors' homes. Since most councillors had selected to use their own broadband anyway, the impact of this would be limited. In recognition of the fact that councillors would be using their own broadband and, if required, printing facilities, it was proposed to retain the IT allowance at the existing level for all councillors, irrespective of which option they chose. Councillors who currently did not claim the IT allowance would in future receive it, and this cost could be met from within existing budgets.

45.8 As with all members of staff, councillors would be required to adhere to the council's IT Acceptable Use Policy (AUP). Under the Agile Working Programme an 'Agile Ways of Working' handbook was developed to support staff in the transition to new ways of working. A similar guide had been developed, called 'Guidance for Councillors in an Agile Working Environment'.

45.9 The one-off costs of implementing the new policy were built into the Agile Working Phase 2 budget and would be met from existing capital funding. The annual costs would be met from existing revenue budgets.

45.10 * Resolved: That full Council be recommended to:

- (a) Adopt the new options for councillors IT provision as detailed in the report.
- (b) Continue the IT allowance scheme for all councillors to contribute towards broadband and printing costs.
- (c) Adopt of the new Protocol for Councillors in an Agile Working environment and associated policy changes.

Note: See minute 40(d) above as to dispensation granted to all councillors to enable them to participate in this matter.

46

*** Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003**

46.1 Cabinet considered the report of the Senior Specialist Adviser. The Council was required to consult, review and publish its Statement of Licensing Policy at regular intervals. The purpose of the Statement was to promote the Licensing Objectives. It set out the general approach

taken by the Authority when considering and determining applications under the Licensing Act 2003. The Licensing Objectives were:

- The prevention of crime and disorder;
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The scope of a Licensing Policy Statement covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club or to the order of a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

46.2 Public consultation of the draft Statement took place for 12 weeks between the 27 June and 19 September 2013. A range of organisations and individuals were directly consulted, including 'Responsible Authorities', ward councillors, all premises licence and club premises certificate holders in the borough, neighbourhood panels and residents groups, hospitality and trade associations and various forums of representative groups. The draft was also posted on the Council's website and notices placed at council offices and the Central Library. A copy of the draft formed appendix 1 to the report. Responses were received from the Town Centre Manager (wishing to see a robust cumulative impact policy to meet the challenge of an increasing number of alcohol licensing applications in the town centre) and the Chair of the Town Centre Neighbourhood Panel (in full support of the policy) (appendix 2 to the report).

46.3 The Council's Licensing Act Committee had considered and endorsed the draft policy at their meeting on 7 October 2013. Subject to full Council approval on the 20 November 2013, the updated policy would come into effect on 1 January 2014.

46.4 It was reported verbally that following publication of the report it had been noticed that point 3.2 on page 65 of the Draft Licensing Act policy Statement (part of the cumulative impact policy) could be perceived as contradictory. It was suggested that this text should be removed prior to ratification by full Council to remove any notion of contradiction.

46.5 * Resolved (Budget and Policy Framework): (1) That the response to the consultation on the draft Statement of Licensing Policy 2014 – 2019 and the proposed timetable leading up to the policy coming into force on 1st January 2014 be noted.

(2) That point 3.2 on page 65 of the policy statement be deleted as this could be perceived as contradictory.

(3) That full Council be recommended to approve the draft Statement of Licensing Policy 2014-2019, as amended.

47 The Park Close Conservation Area Appraisal and Management Plan

47.1 Cabinet considered the report of the Senior Head of Development. The Park Close Conservation Area and Management Appraisal was one of a rolling programme of appraisals, to cover all the conservation areas in the Borough. The Council had a duty to review, formulate and publish appraisals and management plans for the preservation and enhancement of the Borough's 12 conservation areas. The Park Close Conservation Area covered a small area of 1.255 hectares, adjacent to the west of Gildredge Park in Old Town. The Appraisal had been prepared according to English Heritage Guidance Manual (2011) and English Heritage's Guidance. It set out the special architectural and historic interest of the area and provided information on the best approach to managing change, in order to conserve or enhance the special interest of the area. The management plan included a proposal that Article 4 Directions be investigated given the special nature and visual cohesion of the dwellings, together with the quality and extent of original designs, and this would be the subject of a future report to the Council's Planning Committee. It was also recommended that the existing boundary be retained, to help maintain the special architectural and historic character of the Conservation Area.

47.2 The appraisal and management plan had been made available to the public for a period of 12 weeks, from 24 May to 16 August 2013. The appraisal was also made available on the Council's website, and paper copies on deposit at the Council's main offices and the Eastbourne Central Library. One comment only had been received from the Twentieth Century Society in relation to the Article 4 Direction proposal and this had now been included in the management plan (appendix 1 to the report). Both the Council's Conservation Area Advisory Group (on 14 May 2013) and the Planning Committee (on 21 May 2013) had considered and endorsed the proposals.

47.3 Resolved (Key Decision): That the Appraisal and Management Plan adopted.

48 Exclusion of the public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown in the items below. *(The requisite notices had been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

49 Summary of confidential proceedings for information

The full minutes of the under-mentioned items are set out in the confidential section of these minutes. The reports remain confidential.

50 Alternative Employment Procedure

Cabinet noted that 3 employees were subject to the procedure at present. They noted the actions taken to manage implications of change for displaced individuals.

Exempt information reasons 1 and 2 – Information relating to an individual or likely to reveal the identity of an individual.

51 Housing Asset Management

Cabinet approved proposals for the reconfiguration and refurbishment of a council owned property into 4 new flats. The address of this terraced Victorian property was not disclosed as the self-contained flat within the premises was still occupied. The remainder of the property comprising shared bedsits was empty. The best option was considered to be conversion and sale for owner occupation. Should the flats remain unsold after 6 months they would be retained within the Council's housing stock. In addition Cabinet approved the purchase of 2 flats to provide accommodation for the Council's Homelessness Change Programme. (Key Decision)

Exempt information reasons 1, 2, and 3. Information relating to an individual or likely to reveal the identity of an individual and information relating to the financial or business affairs of any particular person (including the authority holding that information).

52 *Wealden and Eastbourne Lifeline - Investment and Change of Governance

Cabinet recommended full Council to approve planned development proposals for the company, including governance, funding and delegation arrangements. Scrutiny Committee was also asked to consider this matter at special meeting on 6 November. The proposals were considered to provide for the future success of the company. (Budget and Policy Framework)

Exempt information reasons: 3- Information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.

The meeting closed at 7.00 pm

Councillor David Tutt
Chairman

Tuesday, 29 October 2013
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillors Harris, Hearn, Jenkins, Liddiard, Miah, Murray and Taylor.

45 Minutes of the meeting held on 1 October 2013.

The minutes of the meeting held on 1 October 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

46 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

Councillor Hearn declared an interest in items 6 and 7, 25a Belmore Road and Coventry Court, 437 Seaside respectively, as a Director of Eastbourne Homes and withdrew from the room whilst this item was considered.

Councillor Taylor declared a prejudicial interest in item 8, PR Autos, Downs Garage, 44-48 East Dean Road as the owner of a rest home within Eastbourne. Councillor Taylor also stated that he was an acquaintance of both the applicant and objector, and withdrew from the room whilst this item was considered.

Councillor Liddiard considered that having previously reached a view in relation to item 10, Land East of Kings Drive as he had pre-determined this application. He therefore withdrew from the room whilst the application was considered.

47 25a Belmore Road. Application ID. 120905.

120905 EB/2012/0319 - 25a Belmore Road - Demolition of building – **DEVONSHIRE**. One general comment relating to the application had been received and was detailed within the report.

NB: Councillor Hearn withdrew from the room whilst this item was considered.

RESOLVED: (By 5 votes to 1 with 1 abstention) That permission be granted subject to the following conditions: 1) Method statement (to include nature of demolition, equipment to be used, recycling streams and

access / transport routes for demolition vehicles) 2) Wheel washing facilities
 3) Site/welfare compound 4) Hours of demolition.

48 Coventry Court, 437 Seaside. Application ID. 120906.

120906 EB/2012/0319 - Coventry Court, 437 Seaside - Demolition of building – **DEVONSHIRE**. Two comments were received in support of the principle, but raising the concerns regarding demolition.

The observations of the Arboriculturalist and Environmental Health were summarised within the report.

NB: Councillor Hearn withdrew from the room whilst this item was considered.

RESOLVED: (By 5 votes to 1 with 1 abstention) That permission be granted subject to the following conditions: 1) Method statement (to include nature of demolition, equipment to be used, recycling streams and access / transport routes for demolition vehicles) 2) Wheel washing facilities 3) Site/welfare compound 4) Hours of demolition.

49 P R Autos, Downs Garage, 44-48 East Dean Road. Application ID. 130397.

130397 (OSR) - P R Autos, Downs Garage, 44-48 East Dean Road - Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly – **OLD TOWN**. 15 objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Planning Policy Manager, Cleansing, Highways Dept, Downland, Trees and Woodland Manager, Economic Development, Environmental Health, Estate Manager, Southern Water and South East Water were summarised within the report.

Mr Whatley, local resident, addressed the committee in objection stating that the height of the proposed building would be intrusive, and would result in residents of the proposed care home having eyeline views into his property. Mr Whatley also stated that many people from outside Eastbourne would be unaware of the entrance/exit and it would therefore become a traffic hazard.

Mr Coffey, Planning Consultant for the applicant, addressed the committee in response stating that the principle of the change of use was acceptable and that the proposal had been designed to take into consideration when planning height levels throughout the site. The windows would be at a 45 degree angle from existing properties to avoid overlooking.

NB: Councillor Taylor withdrew from the room whilst this item was considered.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the proposed development is considered unacceptable by virtue of its inappropriate siting, excessive footprint, height and massing which fails to adequately address the difference in ground levels and proximity between the application site and the rear of houses along the south west side of Longlands Road where it would result in a visually dominating and overbearing structure in relation to these houses. As such, it is considered that the proposal would be contrary to Policies UHT1 and UHT4 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy. 2) By virtue of the inappropriate siting, excessive footprint, height and massing, it is considered that the proposed development would result in an unacceptable loss of sunlight in the early evening and overshadowing to rear windows and gardens of houses on the south west side of Longlands Road. As such, it is considered that the proposal would be contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy. 3) The proposed development is considered unacceptable by virtue of its inappropriate positioning of windows at first and second floor level to the north east corner of the building which would directly overlook the rear gardens and habitable rooms of houses along the south west side of Longlands Road. As such, it is considered that the proposal would result in an unacceptable loss of privacy to these houses, adversely affecting the amenities of the residential occupiers, contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy. 4) The positioning of parking spaces adjacent to the north east boundary to the rear of nos. 5 and 7 Longlands Road is considered to be unacceptable by virtue of their inappropriate location and close proximity to the rear elevations of these residential houses at an elevated level which could potentially cause noise and disturbance to the residential occupiers from revving engines, doors closing, beaming headlights and noise emanating from drivers and passengers. As such, it is considered that the proposal would adversely affect the amenities of adjacent residential occupiers, contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

Appeal: Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

50 Unit C, Glennys Estate, 158 Latimer Road. Application ID. 130547.

130467 (PPP) - Unit C, Glennys Estate, 158 Latimer Road - Change of use from B1 (Business) to D2 (Leisure) – **DEVONSHIRE**. Seven objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Local Highway Manager, Planning Policy Manager and Environmental Health were summarised within the report.

RESOLVED: (Unanimous) That permission be refused on the grounds that: 1) the proposed change of use to a D2 exercise training facility is considered unacceptable by virtue of the failure to submit any sufficient marketing evidence to demonstrate that the existing B1/B8 business unit is no longer viable or suitable and, therefore, genuine redundancy cannot be

accepted. As such, it is considered that the proposal is contrary to Policies BI1 and BI4 of the Eastbourne Local Plan, Policy D2 of the Eastbourne Core Strategy and the Genuine Redundancy of Business Premises SPG. 2) The proposed use, suitability of the building and its location and opening hours are not considered appropriate given the residential nature of the surrounding area and is likely to adversely affect surrounding residential amenity from noise and disturbance from music and exercise classes. As such, it is considered that the proposal is contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy. 3) The proposed change of use is considered to be unacceptable by virtue of the lack of sufficient on-site parking facilities for customers and staff which would significantly add to increased on-street parking demand and congestion on the public highway, to the detriment of local residents, particularly in the early evening hours. As such, it is considered that the proposal is contrary to Policies TR11 and H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

Appeal: Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

51 Land East Of Kings Drive, Kings Drive. Application ID. 130468.

130468 (RMT) - Land East Of Kings Drive, Kings Drive - Application for approval of reserved matters (Details of the appearance and scale of buildings and landscaping of the site) following outline approval of EB/2010/0003- Outline Planning Permission for 119 new Dwellings) – **RATTON.** 20 objections had been received. A letter of objection from Stephen Lloyd, MP was read at the meeting, a response from the agent was also provided.

The relevant planning history for the site was detailed within the report.

The observations of the Downland, Trees and Woodland Manager, Housing Services Manager, Local Highway Manager, County Archaeologist and Natural England were summarised within the report.

Bespoke Cycle Group had made an objection to the application on the grounds that the plans did not show a cycle route through the development and therefore did not fulfil the Eastbourne Cycling Strategy.

East Sussex County Council were currently assessing an application for highway works to Kings Drive in relation to the development which included a pelican crossing and bus stop improvements in line with the previous outline permission for the development of the site.

Members discussed the application and felt that the applicant had not listened to their previous requests regarding the 'softening' of the apartment blocks. The committee expressed the wish to work with the applicants further to ensure a high quality landmark design in light of the prominent location of the site. Members declined to consider the revised plans presented for consideration and requested that Officers should

negotiate with the applicant to secure improved designs for the development via a new application.

Members re-affirmed their decision of 1st October to refuse permission for the reserved matters application based on the originally submitted plans.

NB: Councillor Liddiard withdrew from the room whilst the item was considered.

RESOLVED A : (By 6 votes to 1) That the consideration of the revised plans presented be declined 2) That Officers be requested to negotiate with the applicant to secure improved designs for the development via a new application.

RESOLVED B: (By 5 votes with 2 abstentions) That the applicants be advised that the committee re-affirmed their decision of 1st October 2013 to refuse permission for the reserved matters application based on the originally submitted plans.

52 2 Priory Road. Application ID 130492.

130492 - 2 Priory Road - Conversion of existing bungalow and erection of two storey extension over the existing bungalow and single storey extension to the rear of the existing bungalow to create 2 one-bedroom flats and 2 two-bedroom flats – **ST ANTHONYS**. Six letters of objection had been received. The relevant planning history for the site was detailed within the report.

The observations of Archaeological Services, Strategic Housing, Planning Policy and Highways were summarized within the report.

RESOLVED: (By 7 votes to 1) That permission be granted subject to the following conditions: 1) Time limit 2) Materials to be submitted 3) Foul and surface water details to be submitted 4) Position of new access 5) Visibility splays 6) Car parking prior to occupation in accordance with approved layout 7) Car park details to be supplied incorporating details to prevent surface water running onto the footway 8) Cycle storage prior to occupation in accordance with approved layout 9) Construction times 10) In accordance with approved plans 11) Prior to the development commencing a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details as submitted shall show a low level means of enclosure and or low level planting (under 600mm in height) adjacent to the parking area facing Priory Road; this means of enclosure shall be implemented at the site prior to the first occupation of any of the residential units hereby commencing and be retained as such thereafter.

53 Summerdown Sports Field, Compton Drive. Application ID 130557 (PPP).

130557 (PPP) - Summerdown Sports Field, Compton Drive - Erection of timber sports pavilion and dugout shelter. New sportscourts with perimeter fencing – **OLD TOWN**. 11 objections had been received.

The relevant planning history for the site was detailed within the report. The observations of the Arboricultural Officer were summarised within the report.

NB: Councillor Jenkins was not present for the introduction of this item and therefore did not take part in making the final decision on this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Standard Time Condition 2) Development in accordance with approved plans 3) Retention of hedge fronting Compton Drive 4) Fence to be permanently coloured green 5) Submission of samples of finish of timber stain and felt shingles 6) Submission of details of position and foundations of dugout, and protection of root plate during construction 7) No floodlighting of any fashion shall be permitted to be used anywhere at the site in relation to the development hereby approved.

54 South Downs National Park Authority Planning Applications.

None reported.

NOTED.

The meeting closed at 8.15 pm

Councillor Ungar (Chairman)

Wednesday, 6 November
2013
at 6.00 pm



Scrutiny

Membership:-

Councillor Warner (Chairman) Councillor Shuttleworth (Deputy-Chairman)
Councillors Harris (as substitute for Murray) Cooke and Ungar

(Apologies for absence were reported from Councillor Belsey, Councillor Murray and Councillor Coles)

10 Minutes of the meeting held on 2 September 2013

The minutes of the meeting held on 2 September 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

11 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

None declared.

12 Exclusion of the Public

That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown in the item below. (The requisite notices had been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

13 Wealden and Eastbourne Lifeline - Investment and Change of Governance [BPF]

The committee considered the report of the Chief Finance Officer providing planned development proposals for the company, including governance, funding and delegation arrangements.

Exempt information reasons: 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.

The meeting closed at 8.30 pm

Councillor Warner (Chairman)

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of the Local Government Act 1972.

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