



CABINET

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Ashford Borough Council on Thursday, 30th January, 2020 at 7.00 pm.

The Members of the Cabinet are:-

- Councillor Clarkson – Leader of the Council
- Councillor Bartlett – Deputy Leader and Portfolio Holder for Legal and Democracy
- Councillor Barrett – Portfolio Holder for Housing
- Councillor Bell – Portfolio Holder for Finance and IT
- Councillor Buchanan – Portfolio Holder for Environment and Land Management
- Councillor Clokie – Portfolio Holder for Regeneration and Corporate Property
- Councillor Feacey – Portfolio Holder for Culture, Leisure and Tourism
- Councillor Pickering – Portfolio Holder for Human Resources and Customer Services
- Councillor Shorter – Portfolio Holder for Planning and Development
- Vacant – Portfolio Holder for Community Safety and Wellbeing

Agenda

	Page Nos..
1. Apologies	
2. Declarations of Interest	1 - 2
To declare any interests which fall under the following categories, as explained on the attached document:	
a) Disclosable Pecuniary Interests (DPI)	
b) Other Significant Interests (OSI)	
c) Voluntary Announcements of Other Interests	
See Agenda Item 2 for further details	
3. Minutes	3 - 8
To approve the Minutes of the Meeting of the Cabinet held on the 19 th December 2019.	
4. To Receive any Petitions	
5. Leader's Announcements	
6. Revenues and Benefits Recommended Write Offs Schedule	9 - 20

7.	Council Tax Reduction Scheme	21 - 188
8.	Review of Parking Charges	189 - 196
9.	Proposed Continuation of Planned Refugee Resettlement Beyond End of Current Vulnerable Persons Resettlement Scheme	197 - 208
10.	Joint Transportation Board - Minutes of 10th December 2019	209 - 214
11.	Economic Regeneration and Investment Board - Notes of 3rd December 2019	215 - 218
12.	Local Plan and Planning Policy Task Group - Notes of 29th November 2019	219 - 224
13.	Schedule of Key Decisions	225 - 234
14.	Items for Future Meetings	

DS
22 January 2020

Queries concerning this agenda? Please contact Member Services
Telephone: (01233) 330349 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

This page is intentionally left blank

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **19th December 2019**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Bartlett (Vice-Chairman);

Cllrs. Bell, Buchanan, Clokie, Feacey, Pickering, Shorter.

Apologies:

Cllrs. Barrett, Gideon, Krause, N Ovenden.

Also Present:

Cllrs. Burgess, Campkin, Forest, Harman, Hayward, Mulholland, Spain, Sparks, Wright.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Legal and Democracy, Head of Planning and Development, Head of Environment and Land Management, Head of Community Safety and Wellbeing, Head of Finance and IT, Head of Culture, Arts and Cultural Industries Manager, Communications and Marketing Manager, Parking, Highways and Transportation Manager, Member Services Manager (Operational).

248 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 28th November 2019 be approved and confirmed as a correct record.

249 Leader's Announcements

The Leader said he was pleased that the General Election was now over and hoped that all in Government, both nationally and locally, could settle down and move forward. He wanted to give congratulations to one of his Cabinet Members, Cllr. Jo Gideon, who had been successful in being elected as MP for Stoke-on-Trent Central. He wished her well in her new Parliamentary role.

250 Creative Chilmington – Strategy Endorsement

The Portfolio Holder introduced the report which sought the Cabinet's endorsement of the strategy which was adopted, in principle, by the Chilmington Management Organisation in November 2019. He said he wanted to thank Officers and colleague Members for their input.

The Portfolio Holder for Planning and Development said it is important to note that this strategy had been very much about engaging the local community. This was already happening with existing residents and the local school, so it was not being imposed on them - they were actively engaged. He thanked Officers in Cultural Services and the Chilmington Management Organisation for their hard work on this strategy.

Resolved:

That the strategy to embed arts, culture and creativity within Chilmington be endorsed.

251 In House Environmental Crime Team

The Portfolio Holder introduced the report which explored the development of an in-house environmental crime enforcement team. The Government had introduced legislation and enforcement tools to enable Local Authorities to take action towards those who committed certain environmental crimes. These included investigative powers and fixed penalty notices and the proposed team would build on and utilise those powers and existing experience within the Council to target offenders of more serious environmental crimes and litter enforcement. Developing this new team would bring Ashford in line with neighbouring Districts in Kent and would meet public expectation that the Council robustly addressed environmental crime including fly tipping. The report also set out the activities that would be covered by the team and how it would function.

The Deputy Leader said that it was important to note that KCC made a budgetary allocation for each District to deal with fly tipping and he considered it was important for Officers to continue to draw down on that money each year for the benefit of the Borough.

In response to a question about whether the team could assist with fly-tips on private land, it was explained that initially the focus would be on public land but if the team were to expand in the future this was something it could look at. If evidence was discovered as part of a fly-tip on private land that could lead to identifying the culprits, then the new team would be able to investigate that.

Resolved:

That (i) the implementation of an In-House Environmental Crime Team be approved for a two year period.

- (ii) **a progress and future proposal report would come back to the Cabinet for consideration at the appropriate time.**
- (iii) **the income from fines be “ring-fenced” to support the service.**

252 Adoption of Village Envelope Boundary Maps - Challock

In accordance with Procedure Rule 9.3 Mr Jaques of Challock Parish Council spoke on this item. He said that although it had been discussed at the public consultation meeting in October 2018, there was still ambiguity where Challock fitted in to Local Plan Policies HOU3a & HOU5 under the modifications. The impact of HOU5 had not been made clear to the majority of parishioners and the Parish Council. It was only through a meeting with the Council’s Principal Policy Planner that the possible effects of the original confines when applying the HOU5 policy had been demonstrated and become more evident. He said that the Parish Council was disappointed that it had missed the opportunity to challenge the allocation of HOU5. To continue with the original confines they would have best been suited to HOU3a only. He considered that the whole process since the Cabinet had approved the village confines in 2015 had declined into disappointment with changes to the Local Plan omission sites and then the modifications which had in fact altered what the confines project set out to do. Now that Challock had been allocated HOU3a & HOU5 the Parish Council was still concerned that they may be open to further large scale development and hoped that the new agreed village confines map, which had made the line tighter, would limit this and protect their green spaces.

The Portfolio Holder thanked Mr Jaques for attending and for his comments. He said that the focus of this particular exercise had been to update the village envelope map. On the wider issue of Local Plan Policies these had obviously moved on greatly since 2015 with the development of the new Ashford Local Plan which had been discussed and examined at length over a number of years. The revised village envelope maps took account of those policies and the National Planning Policy Framework and would assist greatly with the protection of the village as requested by Mr Jaques and the Parish Council. Better and more clearly defining the confines of villages would allow for some small organic growth, and produce clear guidance when considering planning applications that came forward. Both Officers and Members were cognisant of the distinct details of both Policies HOU3a and HOU5 and he hoped that would give all involved some reassurance.

The Portfolio Holder then introduced the report which proposed a village envelope for Challock (as outlined at Map 1 in the report). As part of the process, Officers had been engaged with Challock Parish Council and they supported the map being presented. If endorsed by the Cabinet, the map would be used for the purposes of decision making on relevant planning applications in and around Challock.

Resolved:

- That (i) the Challock village envelope boundary (Map 1 in the report) be adopted as informal guidance for development management**

purposes and in doing so supersede the 2014 Challock village envelope (Map 2 in the report).

- (ii) authority be delegated to the Head of Planning and Development and the Spatial Planning Manager, following consultation with the Portfolio Holder for Planning and Development, to amend, where relevant, a village envelope boundary to account for the construction of new development.

253 Automatic Number Plate Recognition (ANPR) Installation

The report sought approval for the introduction of an Automatic Number Plate Recognition (ANPR) and barrier system at Elwick Place and Victoria Road car parks and to assess suitability for remaining Council parking estate thereafter.

Cabinet Members were extremely supportive of the proposals to introduce ANPR, citing the ease of use and flexibility it would provide for customers.

Resolved:

- That
- (i) the implementation of Automatic Number Plate Recognition (ANPR) at Elwick Place and Victoria Road car parks be approved.
 - (ii) the necessary funds to deliver the ANPR solution be approved in accordance with the estimates provided.
 - (iii) authority be delegated to the Head of Community Safety and Wellbeing to effect and complete all necessary steps for the implementation of ANPR at Elwick Place and Victoria Road car parks.
 - (iv) further update reports be received as necessary.

254 Trading and Enterprise Board – Minutes of 26th November 2019

Resolved:

- That
- (i) the Minutes of the Meeting of the Trading and Enterprise Board held on the 26th November 2019 be received and noted with the exception of Minute Nos. 205 and 206
 - (ii) Minute No. 205 be approved and adopted.

Recommended:

That Minute No. 206 be approved.

255 Civic and Ceremonial Programme Board – Notes of 20th November 2019

Resolved:

That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 20th November 2019 be received and noted.

256 Schedule of Key Decisions to be Taken

Resolved:

That the latest Schedule of Key Decisions as set out within the report be received and noted.

Queries concerning these minutes? Please contact Member Services
Telephone: (01233) 330349 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

This page is intentionally left blank

Agenda Item 6



ASHFORD
BOROUGH COUNCIL

Agenda Item No:

Report To: CABINET

Date of Meeting: 30 January 2020

Report Title: Revenues & Benefits Recommended Write-Offs Schedule

Report Author & Job Title: Nic Stevens, Senior Recovery Officer, Revenues & Benefits

Portfolio Holder Cllr Neil Bell, Portfolio Holder for Finance & IT
Portfolio Holder for:

Summary: This report proposes the formal write off of £356,566.67. The proposals are in line with the Council's Revenues & Benefits Service Write Off Policy. Director of Finance & Economy has been consulted along with Heads of Service for relevant areas.

Key Decision: No

Significantly Affected Wards: None

Recommendations: The Cabinet is recommended to:-

- I. Note the action that accounts totalling £57,761.81 have been written off under the delegated powers (Financial Regulations 11.1)
- II. Approve the write offs listed in the Exempt Appendices totalling £298,804.86

Policy Overview: The regular review and writing off of un-collectable debts is part of strong financial management.

Financial Implications: Provision for bad debts has been made in the final accounts to account for expected write-offs during the year.

Legal Implications None

Equalities Impact Assessment Not Required

Other Material Implications: None

Exempt from Publication: Yes (Appendices)

[Not For Publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.] and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

**Background
Papers:
Contact:**

-
nicola.stevens@ashford.gov.uk – Tel: (01233) 330446

Report Title: Revenues & Benefits Recommended Write-Offs Schedule

Introduction and Background

1. To advise Members of debts written-off and obtain approval to write off further individual debts of over £1,000.00 listed in the Exempt Appendices

Proposal/Current Position

2. The write offs being recommended are in accordance with the Revenues & Benefits Service Write Off Policy that was approved by the Executive Committee on 20 March 2003. Over recent years, due to the economic climate there has been a significant increase in NNDR (Business Rates) write offs, the majority of these relate to companies that have ceased trading.
3. Under delegated powers the Director of Finance & Economy has written off debts totalling £57,761.81 column (a). Approval is sought for write off of debts in column (b) totalling £298,804.86. The level of these write-offs is in line with previous write-off reports (for example, the last write-off report to Cabinet on 11 July 2019 showed comparable figures to those in this report), so this demonstrates that collection of debt remains rigorous.

Table1 – Write off debt summary

	Value of debts written off under delegated powers (a)	Value of debts recommended for write off (see attached appendices) (b)	Provision for Bad Debts at 1.4.19 (c)	Provision for Bad Debts Balance 11.7.19 (d)	Provision for Bad Debts Balance (Current) (e)	Value of outstanding Debt at 1.4.19 (f)
Council Tax	£46,239.52	£63,658.06	£810,005.00	£762,000.48	£652,102.90	£4,621,646.56
Business Rates (NNDR)	£4,558.76	£224,708.74 *	£336,167.00	£206,163.47	-£23,104.03	£1,246,572.88
Housing Benefit Overpayment	£3,530.99	£7,677.20	£988,238.00	£895,119.58	£883,911.39	£2,470,595.00
Sundry Debtors	£3,432.54	£2,760.86	£630,338.00	£620,332.68	£614,139.28	£584,056.52
TOTAL	£57,761.81	£298,804.86	£2,764,748.00	£2,483,616.21	£2,127,049.54	£8,922,870.96

- * it should be noted that over 50% of this figure relates to one account, that being a large retailer subject to a company voluntary agreement (CVA).

Implications and Risk Assessment

4. The write offs do not have an immediate financial effect on the current year's budget as the bad debt provision is greater than the write-off total. However, the making of that provision did have a cost implication at the time the provision was made; those being sundry debtors at full cost, council tax approximately 10% cost (90% financed by Kent County Council, Police and Crime Commissioner of Kent & Kent Fire Authority), housing benefit overpayments 60% cost due to existing subsidy arrangements and NNDR 40% (50% financed by the Government and 10% by Kent County Council). However, it should be noted that every year our collection rate of Council Tax and Business Rates is over 99%, so this demonstrates that there is significant success at debt collection, and that debt is only written off when absolutely necessary and the amounts written off remain a very small percentage of overall debt collection.

Conclusion

5. The Service's Write Off policy has been followed and in many cases a number of methods of recovery followed before the debts have been recommended for write off.

Portfolio Holder's Views

6. To be given at meeting

Contact and Email

7. nicola.stevens@ashford.gov.uk Tel: (01233) 330446

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



Agenda Item No: 7
Report To: Cabinet
Date of Meeting: 30 January 2020
Report Title: Council Tax Reduction Scheme from April 2020
Report Author & Job Title: Vikki Baker
Senior Revenues & Benefits Officer
Portfolio Holder Cllr. Neil Bell
Portfolio Holder for: Finance & IT

Summary: The existing scheme for Council Tax Reduction (CTR) has existed in its current form since 1 April 2017. This report sets out the Council's new scheme from 1 April 2020.

The new scheme seeks to simplify the scheme for both the claimant and the administrator. The scheme will operate within the existing cost envelope and the exceptional hardship scheme, to be rebranded as the Exceptional Circumstances Scheme, has been enhanced to protect claimants who have been disadvantaged by the changes.

Claimants of pensionable age are not affected by the changes to the scheme.

The Council's scheme is the only one in Kent that offers additional protection to the Disabled and Carers; these protections will continue in the new scheme.

In order for any changes to be adopted the new scheme requires Cabinet approval by 11 March 2020.

Key Decision: YES

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- I. Agree the new CTR scheme to be implemented on 1 April 2020**

Policy Overview: Cabinet must approve a Council Tax Reduction Scheme by 11 March 2020 for the 2020/21 financial year

Financial Implications: None – the scheme is designed to be cost neutral and any savings generated will be set aside to provide a safety net

within the scheme, that will be called an Exceptional Circumstances Scheme

Legal Implications	None
Equalities Impact Assessment	See Attached
Other Material Implications:	No
Exempt from Publication:	NO
Background Papers:	Appendix 1 – Equalities Impact Assessment Appendix 2 – The consultation results Appendix 3 – The full Council Tax Reduction scheme
Contact:	vikki.baker@ashford.gov.uk – Tel: (01233) 330440

Report Title: Council Tax Reduction Scheme from April 2020

Introduction and Background

1. The Council Tax Reduction (CTR) scheme replaced Council Tax Benefit from 1 April 2013. The scheme for pensioners is determined by the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, which is determined by Central government. This means that pensioners receive a similar level of support now, as they did under the old Council Tax Benefit Scheme. The Local Government Finance Act 1992 requires the Local Authority to approve a local Council Tax Reduction Scheme, for working age applicants, by 11 March 2020, to start from 1 April 2020.
2. The current CTR Scheme for 2019/20, is largely based on the previous Council Tax Benefit means test. Several amendments have been made when reviewed over previous years.

Council Tax Reduction, the rationale behind the proposed changes

3. One of the main drivers for changing the current CTR scheme is the introduction of Universal Credit. Ashford Borough Council, has experienced a number of challenges, as have all other Local Authorities, since its introduction. The main issues are:-
 - The reluctance of Universal Credit claimants to make a claim for CTR, or making a late claim for CTR. This is resulting in a loss of entitlement
 - A high volume of changes to entitlement to Universal Credit, result in a high volume of changes to a claimants CTR entitlement. On average 40% of Universal Credit claimants have between 8 & 12 changes per year. Each time there is a change in Universal Credit entitlement, the current CTR scheme requires the Local Authority to change the CTR entitlement, resulting in entitlement letters being sent to the claimant, a new Council Tax bill also being sent with a change to their instalment amount that they need to pay. The constant changes make it difficult for residents to budget.
 - There is an increased cost in administration
4. The existing CTR scheme is too reactive to change, and is not viable in the longer term now that Universal Credit has been fully rolled out.

Council Tax Reduction, the proposed changes to the scheme

5. Work has been undertaken to design a new CTR scheme that is far less reactive to change, aimed at keeping administration costs to a minimum. The overall expenditure of the scheme will remain broadly, as it is now. Any unintended savings will be reinvested into the council's Exceptional Circumstances scheme.

6. The Council has undertaken a full public consultation, as well as consulting with the major preceptors, Kent County Council, Kent Fire and Rescue Service and the Police and Crime Commissioner for Kent. A summary of the responses is given in Appendix 2.

7. The 10 changes that went out to consultation are:-

Change 1 - Introducing an income 'grid' scheme for all working age applicants replacing the current means tested approach, which was based on the previous council tax benefit scheme. The intention would be for the income grid to uprate every year in line with the National Living Wage figures

Table 1 - Income Grid system

Bands	Band 1	Band 2	Band 3	Band 4	Band 5
	80% Discount	65% Discount	50% Discount	35% Discount	20% Discount
Single	£0.00 – £87.20	£87.21 – £130.80	£130.81 – £174.40	£174.41 – £218.00	£218.01 – £261.60
Couple	£0.00 – £122.20	£122.21 – £170.80	£170.81 – £214.40	£214.41 – £258.00	£258.01 – £301.60
Lone Parent with 1 child	£0.00 – £137.20	£137.21 – £180.80	£180.81 – £224.40	£224.41 – £268.00	£268.01 – £311.60
Couple with 1 child	£0.00 – £177.20	£177.21 – £220.80	£220.81 – £264.40	£264.41 – £308.00	£308.01 – £351.60
Lone parent with 2+ children	£0.00 – £187.20	£187.21 – £230.80	£230.81 – £274.40	£274.41 – £318.00	£318.01 – £361.60
*Couple with 2+ children	£0.00 – £227.20	£227.21 – £270.80	£270.81 – £314.40	£314.41 – £358.00	£358.01 – £401.60
Bands	Band 1	Band 2	Band 3	Band 4	Band 5
	90% Discount	75% Discount	60% Discount	45% Discount	30% Discount
*Disabled/Carer claimants	£0.00 – £227.20	£227.21 – £270.80	£270.81 – £314.40	£314.41 – £358.00	£358.01 – £401.60

These income bands have been set using the National Living Wage hourly rate (£8.72 from April 2020) x 10 hours/15 hours/20 hours/25 hours/30 hours.

(This grid has slightly higher figures in it, than the figures that went out to consultation. This is because they have been uprated in line with April 2020's national living wage figures)

Change 2 - Limiting the number of dependent children used in the calculation of support to two for all working age applicants;

Change 3 - Changing the claiming process for all applicants who receive Universal Credit (UC), meaning that as soon as the Council receive a notification from the Department of Work & Pensions, that a resident is in receipt of UC, this will be treated as a claim for CTR;

Change 4 - Removing the current earnings disregards and replacing them with a standard disregard of £25, which means that the first £25 per week a CTR applicant earns will not be included when the Council calculate any CTR entitlement;

Change 5 - Disregarding carer's allowance which is currently taken into account as income, which means that any carer's allowance an applicant receives will not be included when the Council calculate the applicants CTR entitlement;

Change 6 - Where the applicant receives universal credit, any amount awarded as a housing element will not be included when calculating the applicant's income;

Change 7 - Decrease the maximum level of protection for working age applicants from 82.5% to 80%, and from 95% to 90% for working age disabled and carer households;

Change 8 - Remove the extended payments provision within the existing scheme;

Change 9 - Provide a further income disregard of £40 where an applicant, their partner or dependent child receives carer's allowance or a disability benefit such as disability living allowance or personal independence payment, which means that the first £40 per week will not be included when the Council calculate the applicants CTR entitlement;

Change 10 - Any change in circumstances which will change CTR entitlement, will be made from the date the change occurs, rather than on a weekly basis as happens currently.

Implications and Risk Assessment

8. Ashford Borough Council is currently the only District Council in Kent that provides additional protection to the disabled, and whilst changes are proposed, the new scheme will still be the only one in the county that offers additional protection to the disabled and carers.
9. The estimated total level of expenditure for the CTR scheme for 2019/20 is £7.4 million (£3.3 million of which is in respect of pensionable age scheme, which is not part of this review). Therefore, the working-age expenditure is currently £4.1 million.
10. The cost of the scheme is split between Ashford Borough Council and the major precepting authorities - Kent County Council, Kent Police and Kent Fire. The Council's share of the cost is approximately 10%.
11. The intention is to maintain expenditure at current levels (by re-investing any savings by payments of exceptional hardship, through the exception circumstances scheme) and to incentivise work. The modelled expenditure for 2020/21 based on the new scheme is:

- Working-age (non-disabled) expenditure is currently £1.6 million. A reduction in CTR of 2.5% for working-age (non-disabled) customers will reduce the level of discount awarded by approx. £50,000.
 - Disabled/carer expenditure is currently £2.1 million. A reduction in CTR of 5% for disabled/carer customers will reduce the level of discount awarded by approximately £100,000.
12. The intention is to re-invest this saving through exceptional circumstances payments where necessary to focus support to claimants in greater need.
13. This modelling data was prepared using CTR data as at June 2019. The modelling analysis suggests the following impacts on different groups (this analysis will be subject to change):

Table 2: Indicative Modelling

Household group	Inc/Dec in expenditure per group	Current Caseload	New Caseload	Average annual gain/loss (£)	Average weekly gain/loss (£)
Single	+15,742	113	123	+139.31	+2.68
Couple	+1,062	16	17	+66.35	+1.28
Family with 1 child	+32,737	175	209	+187.07	+3.60
Family with 2+ children	-85,066	459	392	-185.33	-3.56
Passported claim	-28,417	713	713	-39.86	-0.77
Disabled passported claim	-97,004	1889	1889	-51.35	-0.99
Disabled earnings	-26,160	260	213	-100.62	-1.93
Totals	-187,107	3625	3556	-51.62	-0.99

The table above excludes customers in receipt of Universal Credit. It is also only indicative and is subject to change once more detailed breakdown of the groups is available. Further changes will be made to ensure that average weekly gains/losses are minimised.

14. As the table demonstrates, the biggest impact would be on families with 3 or more children, as would be expected. The operation of the exceptional circumstances scheme can mitigate some of these impacts. The overall saving of circa £180,000 is attributed mainly to the reduction in maximum level of support from 82.5% to 80% and 95% to 90%, as detailed earlier. Whilst the changes to the scheme in terms of making it a banded scheme are estimated to be cost neutral.
15. The new scheme framework will inevitably change the amount of discount to some applicants. The modelling suggests that whilst a number will have an enhanced award, where any award is reduced applicants will be able to apply for an exceptional circumstances payment.

Table 3: summary of the perceived risks

Perceived risk	Seriousness	Likelihood	Preventative action
Council not able to maximise collection due to increased demand notices	High	Medium	To review the scheme so that small changes in income are not reflecting in multiple changes to a CTR award with multiple demand notices.
Council not able to recover increase in arrears	Medium	Medium	To utilise resource effectively and administer hardship schemes appropriately.
Negative public reaction to proposals	Medium	Medium	Response from consultation will be taken into consideration when the final scheme is recommended.
Potential legal challenge to 2020/21 CTRS	Medium	Low	Ensure full consultation has taken place with genuine options and that a proper equality impact assessment has been undertaken.

Equalities Impact Assessment

16. Members are referred to the attached Equalities Impact Assessment - appendix 1. The key issues arising are:
- Only working age applicants will be affected
 - Families with 3 or more children will be adversely affected
 - Applicants in receipt of Carers Allowance may see a positive impact as Carers Allowance income will be disregarded under the new scheme
 - Disabled applicants will continue to receive additional support although the maximum discount that they will receive will reduce from 95% to 90%

Consultation Planned or Undertaken

17. The Council has undertaken a full public consultation with the public and with the precepting authorities during the period 1 August 2019 to 30 September 2019
18. All current working age CTR customers (4700), as well as a random selection of Council Tax payers (2000), and 450 other interested parties/ organisations, were invited to comment on the consultation. The consultation was also available on the Council's website for any member of the public to give their views.
19. Despite actively promoting the consultation, only 88 responses were received.
20. 44% of people consulted agreed with the introduction of the income grid system (change 1/table 1) and 25% disagreed. The Council propose to go ahead with introducing the income grid system. The income grid will make CTR easier to administer, it should prevent too many reassessments when there has only been a small change in income, and it makes the Council's CTR scheme easier to understand.
21. 41% of people consulted agreed with the decrease in the overall level of support that working age applicants will receive (change 7), however, those currently in receipt of CTR were far more likely to disagree with the decrease in support. To maintain a similar level of overall support to most recipients of CTR, and to enable the council to introduce the income grid system, which is imperative for simplifying the scheme both administratively and for ease of understanding, the decrease is necessary. It also falls in line with how most other Kent councils are administering their CTR schemes. 38% of respondents disagreed with change 7.
22. 40% of people agreed with the removal of offering Extended Payment Periods (EPP) (change 8). This is a 4 week benefit run on for those moving from some DWP benefits and into work. Although the respondents agreed with this change, the Council has decided to keep EPPs to encourage and support recipients of CTR back into work.
23. 74% of people agreed with changes in circumstances being made from the actual day they occurred rather than on a weekly basis as they do now (change 10). Although respondents overwhelmingly agreed with this change, the Council will not be implementing this change from April 2020. The main reason being that there are software issues, and the system capability around this issue is uncertain at this time. This change will be revisited during 2020/21, when the software capability is made clearer.

Recommended Options

24. The recommendation is to go ahead with 8 out of the 10 changes as at 1 April 2020.
25. The changes to not go ahead are:
26. Change 8 – remove the extended payment period. This is where a 4 week run on of CTR is given to certain recipients of CTR, who are moving into work (subject to some additional conditions). Whilst the consultation showed that residents of Ashford generally agreed with this change, it is felt that it's appropriate to keep the 4 week run on to encourage residents into work
27. Change 10 – changes in circumstances being make from the actual day they occur rather than from the Monday following, as happens now. Whilst the consultation showed that residents overwhelmingly agreed with this change, there are software issues, and the system capability around this issue is uncertain. For this reason it is recommended that this change is not adopted at this time

Other Options Considered

28. The Council have consider three other options to changing the CTR scheme:
 - Continue with the current CTR scheme
 - Reduce funding to other Council Services to pay for the additional administration costs that the current scheme brings
 - Use the Council's reserves to keep the current CTR scheme

Reasons for Supporting Option Recommended

29. As set out in the report, it will be a simpler scheme to administer and understand, and it will further incentivise work. In terms of legal implications, 11.1 Schedule 1A (5) of the Local Government Finance Act 1992 as amended requires local authorities to consider the following:
 - For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.
 - The authority must make any revision to its scheme, or any replacement scheme, no later than 11th March in the financial year preceding that for which the revision or replacement scheme is to have effect.
30. In addition, where there are changes to the scheme, the authority is obliged under Schedule 1A (5) (4) *if any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.*

31. The Council will continue to administer an “Exceptional Circumstances scheme”. Any resident adversely affected by the new CTR scheme, can apply for additional help and support with their Council Tax, via the Exception Circumstances scheme.

Next Steps in Process

32. For Cabinet to approve the new CTR scheme to be implemented on 1 April 2020.
33. To notify all recipients of CTR, of the changes to the scheme from April 2020.
34. To publish the new scheme on the Council’s website.
35. To implement the scheme from 1st April 2020.

Conclusion

36. The new CTR scheme must be agreed by Cabinet by 11 March 2020, to be implemented from 1 April 2020.
37. The introduction of a new scheme is important to cut down on the heavy administrative burden that the current CTR scheme causes. The new scheme is designed to be easier for Ashford residents to understand. The new schemes design will be less reactive to small changes in income, that result in changes to CTR entitlement.

Portfolio Holder’s Views

38. This paper is the result of extensive work and public consultation. The disadvantaged have been at the forefront of our thoughts throughout. The new Exceptional Circumstances fund enables us to target funds even more precisely at those in need. I thank the officers for their work and recommend the paper to cabinet

Contact and Email

39. Vikki Baker, Senior Revenues & Benefits Officer
40. vikki.baker@ashford.gov.uk

After Consultation

Stage 2: Full Equality Impact Assessment Report

1. Summarise the likely negative impacts for relevant groups identified in the screening process. The modelling was based on current CTR caseload as at June 2019

	Type of impact, reason & any evidence	Mitigation
Disability	<p>Negative</p> <ul style="list-style-type: none"> • There are 260 applicants in the disabled and earning group. On average under the new scheme they will lose £1.93pw CTR. • There are 1889 applicants that fall in the disabled/carer category. They will lose on average £0.99pw CTR under the new scheme. • Those who currently receive maximum support will experience a reduction from 95% to 90% <p>Positive</p> <ul style="list-style-type: none"> • Continue to disregard all disability income • Carers Allowance will be disregarded as income • An additional £40pw disregard will be applied to disabled applicants income • Disabled/ Carer applicants continue to be placed in a more generous band (ie 90% maximum level of protection rather than 80% maximum level of protection) 	<ul style="list-style-type: none"> • The Welfare Intervention Officers will be available to help any applicants experiencing difficulties to understand their entitlement and any other help and support that is available in the borough • Applicants can apply to the Exceptional Circumstances Fund for additional financial help. The Welfare Intervention Officers can help them do this
Race (including Gypsy & Traveller)	Neutral	None
Age	<p>Positive/ Negative/ Neutral</p> <ul style="list-style-type: none"> • Only working age applicants will be affected • There are 3625 working age CTR claimants 	<ul style="list-style-type: none"> • Applicants can apply to the Exceptional Circumstances Fund for additional financial help.
Gender	Neutral - based on current modelling both male and female	None

	applicants can either receive increased or decreased support	
Transgender	Neutral	None
Sexual Orientation	Neutral - sexual orientation has no bearing on the scheme	None
Religion/Belief	Neutral - religion or belief orientation has no bearing on the scheme	None
Pregnancy & Maternity	Neutral - although it should be noted that a third or subsequent child will not affect entitlement	None
Marriage/ Civil Partnership Status	Neutral	None
Carers	<p>Positive</p> <ul style="list-style-type: none"> Carers Allowance will be disregarded as an income <p>Negative</p> <ul style="list-style-type: none"> All disabled and carer applicants will have 90% maximum discount rather than 95% as it is currently 	<ul style="list-style-type: none"> The Welfare Intervention Officers will be available to help any applicants experiencing difficulties to understand their entitlement and any other help and support that is available in the borough Applicants can apply to the Exceptional Circumstances Fund for additional financial help. The Welfare Intervention Officers can help them do this
Applicants who have more than two dependants	<p>Positive/ neutral</p> <ul style="list-style-type: none"> The scheme will provide additional support to families up to and including two dependants. No additional support will be provided to a third or subsequent dependant. This is in line with Central Government benefits such as Housing Benefit, Tax Credits and Universal Credit <p>Negative</p> <ul style="list-style-type: none"> Families with 3 or more children will generally see a 	<ul style="list-style-type: none"> Applicants can apply to the Exceptional Circumstances Fund for additional financial help.

	decrease in their CTR entitlement because they will no longer receive additional applicable amount allowances for the third or subsequent children	
Applicants who have non dependants	Neutral	None

2. What consultation/involvement activities have taken place or will need to take place with groups/individuals from each relevant protected characteristic or equality group? (refer back to Stage 1, Question 5)

The scheme has been subject to consultation as follows:

- Major precepting authorities - the County Council, Fire & Rescue Service and the Police and Crime commission has been consulted on the new scheme. No objections have been received;
- A full public consultation has been undertaken between 1 August 2019 and 30 September 2019
- Major preceptors were consulted between 1 August 2019 and 30 September 2019

3. What other research has been or will need to be carried out to help you with the assessment?

Modelling of the scheme will continue to be undertaken until final approval by full Council.

4. Results of research/consultation (what does it tell you about the negative impacts?)

The full results of the public consultation are shown at Appendix 1. A summary however is shown below of the responses to the proposed changes. 88 members of the public undertook the consultation and from the results, all ten proposed changes were overwhelmingly agreed by the public as follows:

Change 1: The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age
Agree: 44%
Neither agree or disagree:22%
Disagree 25%
Don't Know 1%

Change 2: To limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two for all applicants
Agree: 57%
Neither agree or disagree:13%

Disagree 25%
Don't Know 6%

Change 3: Changing the claiming process for all applicants who receive Universal Credit

Agree: 71%
Neither agree or disagree: 16%
Disagree 8%
Don't Know 6%

Change 4: Removing the current earnings disregards and replacing them with a single disregard of £25

Agree: 51%
Neither agree or disagree: 23%
Disagree 17%
Don't Know 10%

Change 5: Disregarding Carer's Allowance which is currently taken into account as income

Agree: 63%
Neither agree or disagree: 17%
Disagree 13%
Don't Know 8%

Change 6: Where the applicant is in receipt of Universal Credit, any amount awarded as a housing element will be disregarded when calculating the applicant's income

Agree: 67%
Neither agree or disagree: 16%
Disagree 9%
Don't Know 8%

Change 7: Decrease the maximum level of support for working age applicants from 82.5% to 80%, and from 95% to 90% for working age disabled & carer households

Agree: 41%
Neither agree or disagree: 15%
Disagree 38%
Don't Know 7%

Change 8: Remove the extended payment provision within the existing scheme

Agree: 40%
Neither agree or disagree: 17%
Disagree 31%
Don't Know 13%

Change 9: Disregarding a further £40 per week where an applicant, partner or dependant receives Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Carer's Allowance

Agree: 66%
Neither agree or disagree: 11%
Disagree 18%

Don't Know 5%

Change 10: Any change in circumstances which changes Council Tax Reduction entitlement will be made from the date on which the change occurs, (rather than on a weekly basis as at present)

Agree: 74%

Neither agree or disagree: 16%

Disagree 4%

Don't Know 7%

5. Conclusions & Action Planning

Impact/Issue	Action/Objective/Target or Justification	Will this remove negative impact?	Resources	Lead Officer & Timescale
Reductions in support	The Council will operate an Exceptional Circumstances Fund. Any applicant who receives less support, may apply for additional support. A careful examination will be made of their circumstances (income and essential expenditure). Where it is determined that they are experiencing exceptional hardship, further support may be granted	Yes	Staff have been fully trained to administer the Exceptional Circumstances Fund	

6. How will you monitor, evaluate and check the policy in the future?

The scheme will be monitored on an ongoing basis after implementation in April 2020

7. When will a review take place?

Constantly.

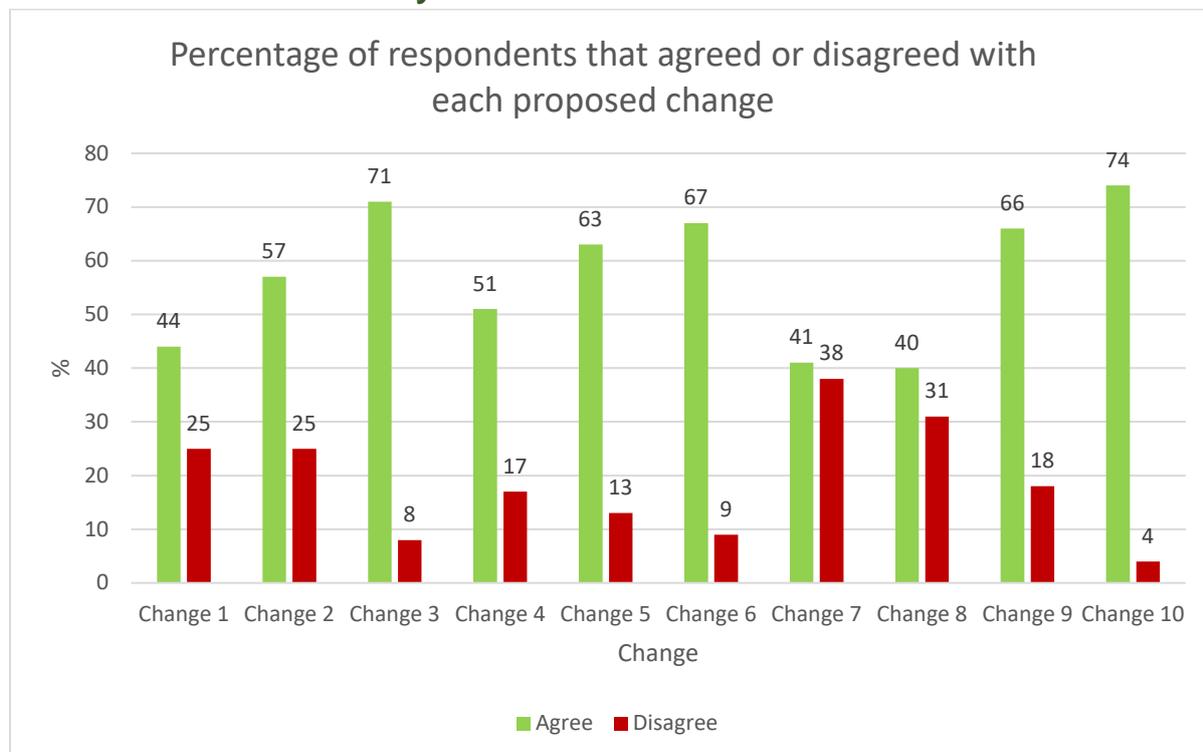
Please complete

We are satisfied that a full impact assessment has been carried out.

Author Vikki Baker
Date January 2020

Council Tax Reduction Scheme: 2020/21 Findings Report

Executive Summary:



Generally, respondents agreed to the changes proposed in the consultation, as the chart above demonstrates. The only exceptions are Change 7 (decrease the maximum level of support) and Change 8 (Removing the extended payment provision); respondents agreed with these changes overall but disagreement with the proposed changes was high. Current recipients of CTR were much more likely to disagree with Changes 7 and 8.

Many respondents indicated they think the council should retain the current scheme and this is often reflected in their comments. However, respondents also recognise the benefits of several of the changes, in particular Change 3, Change 5, Change 6, Change 9 and Change 10.

Respondents were generally not in favour of the alternative options (cutting funding, increasing council tax etc.) instead of implementing the proposed changes, however were slightly more favourable to the idea of using the council's reserves to cover the cost than the other alternatives.

Methodology:

Respondents were presented with background information on the scheme and detail on the 10 proposed changes. Respondents were asked whether they agreed or disagreed to the changes to the scheme in the form of multiple-choice questions and

had the opportunity to further explain their views on each change via open-ended questions.

The percentage of respondents that selected each response option for multiple-choice questions were calculated, as shown in the graphs on the following pages. Responses were cross-tabulated to determine the differences between responses from participants receiving CTR and those who are not. Independent samples t-tests were run to determine whether the responses between recipients of CTR and non-recipients were statistically significantly different.

Comments left by the respondents were analysed using thematic analysis – comments were read through and the theme of each comment was taken. The number of comments that ascribe to each theme were counted.

Respondents:

In total, 88 respondents took part in the consultation. All 88 answered the core questions regarding changes to the scheme, but only 84 of those answered the monitoring questions. This means 4 respondents did not answer questions in the “about you” section.

Most of the respondents reported that either themselves or someone in their household currently receive Council Tax Reduction at present (n=48). 38 respondents were not in receipt of a reduction and 2 reported they didn't know.

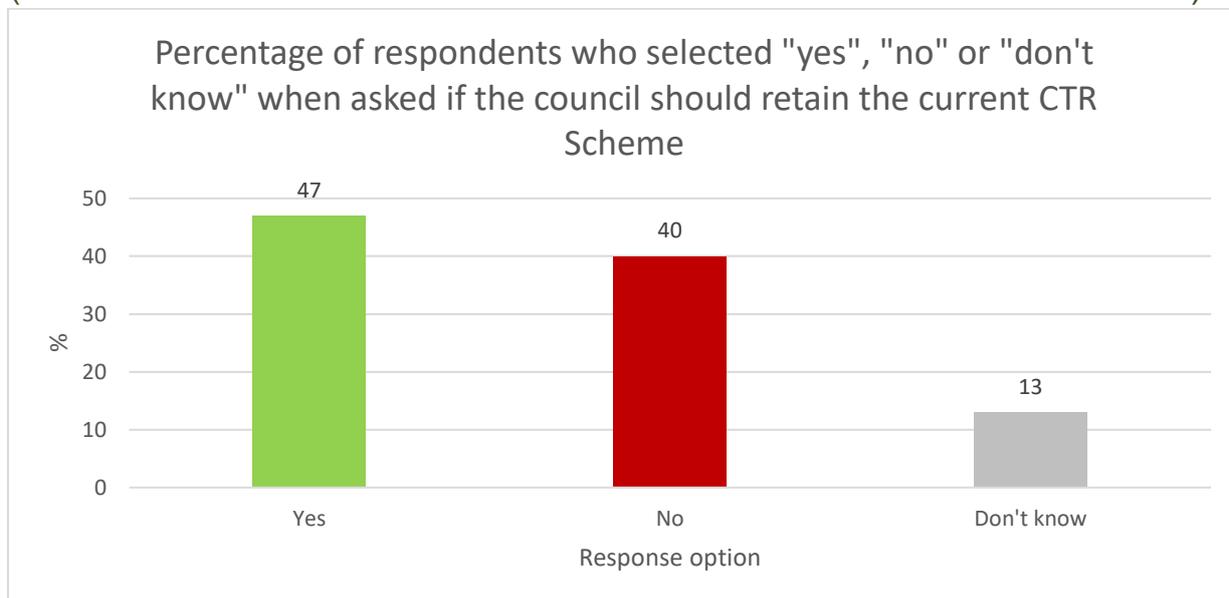
The monitoring questions showed that most respondents were female (54 respondents). The age group with the largest proportion of respondents was the 45-54 year old age group (29 respondents) followed by the 55-64 year old age group (25 respondents). Most respondents reported their day-to-day activities are not limited to a health problem or disability (52 respondents). A huge majority of respondents were from the White British ethnic group (82 respondents).

Most respondents were prompted to take part in the consultation as they received a letter. The breakdown of how each respondent heard about the consultation is below:

1. Received a letter – 54 respondents
2. The council's website – 12 respondents
3. Received and email – 9 respondents
4. Via the council's social media pages – 6 comments
5. Word of mouth – 3 respondents
6. In AshfordForYou magazine – 0 respondents.

Results

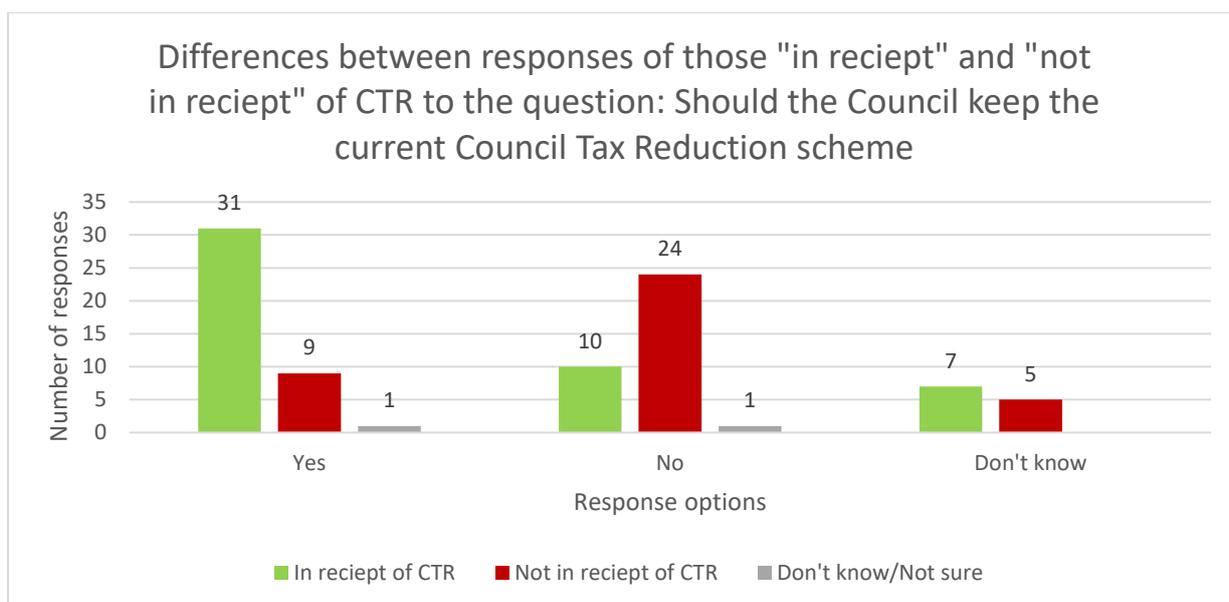
Should the Council keep the current Council Tax Reduction scheme?
 (Should it continue to administer the scheme as it does at the moment?)



N=88

41 respondents felt the council should continue to be administer the current scheme (47% respondents). 35 respondents thought the council should not continue with the current CTR scheme (40%).

When cross tabulated, respondents who are in receipt of CTR already selected were more likely to select “yes” with regards to retaining the current scheme, whereas respondents who reported they were not in receipt of CTR were most likely to select “no.” This difference in responses from recipients/non-recipients was statistically significant.



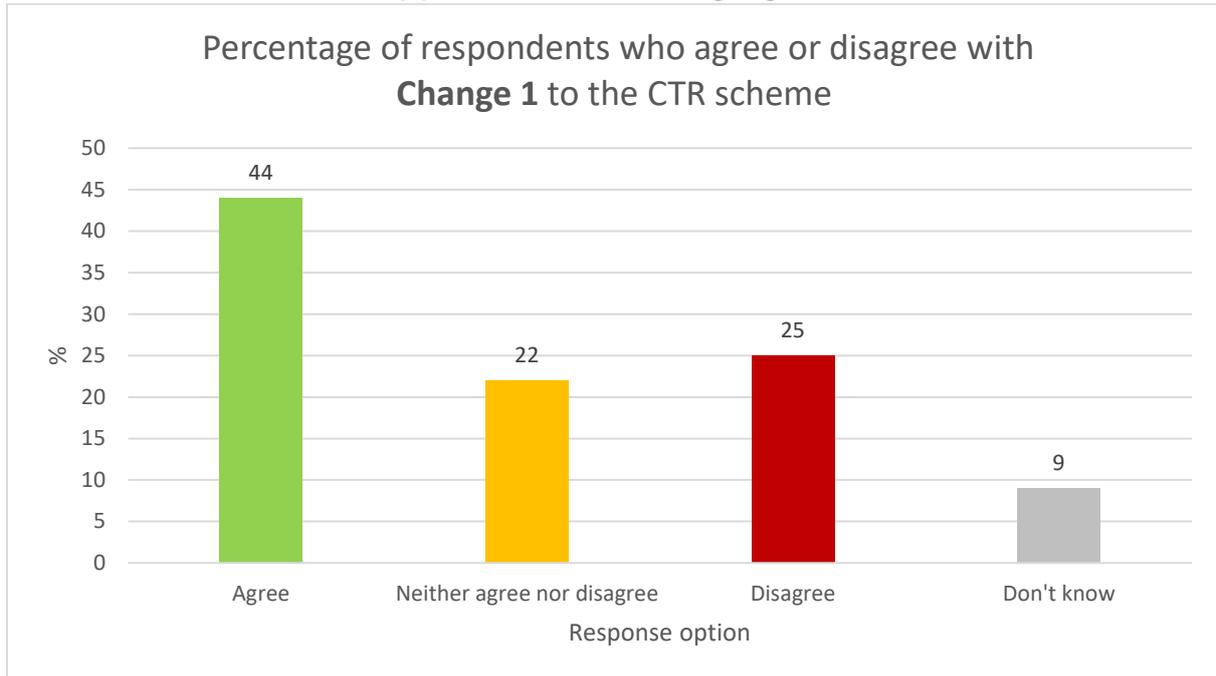
N=88

Please use the space below to make any comments you have on protecting the Council Tax Reduction Scheme from these changes:

Below are the comments relating to the protecting the current Council Tax Reduction scheme from changes:

- Changes will cause hardship – 12 comments
- Changes unfair to disabled and most vulnerable – 6 comments
- Keep current scheme – 4 comments
- Agree to changes – 3 comments
- Miscellaneous comment (e.g. no comment) – 2 comments
- Don't understand the impact this will have on me – 2 comments
- CTR is good – 2 comments
- Concerns about part time workers with children – 1 comment
- Reduce support – 1 comment
- Council to consider who should be helped by the scheme – 1 comment
- Council should not group people together – 1 comment
- Changes won't help vulnerable – 1 comment
- Sort out Universal Credit first – 1 comment
- Council should protect support measures for most vulnerable – 1 comment
- Need help applying – 1 comment
- Not current recipient – 1 comment

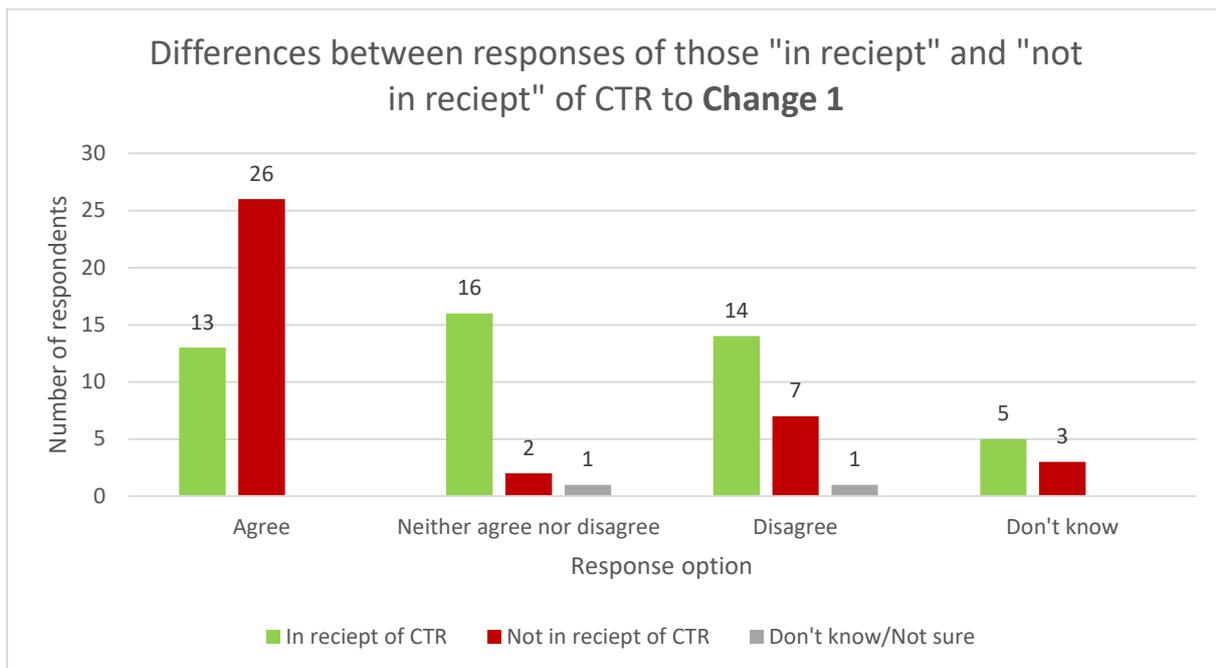
Change 1: The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age



N=88

39 respondents agreed with this change to the scheme (44%). 25% of those who were consulted disagreed with this change.

When cross tabulated, respondents who are in receipt of CTR already selected were more likely to select “neither,” whereas respondents who reported they were not in receipt of CTR were most likely to select “agree.” However, this difference in responses from recipients/non-recipients was not statistically significant.



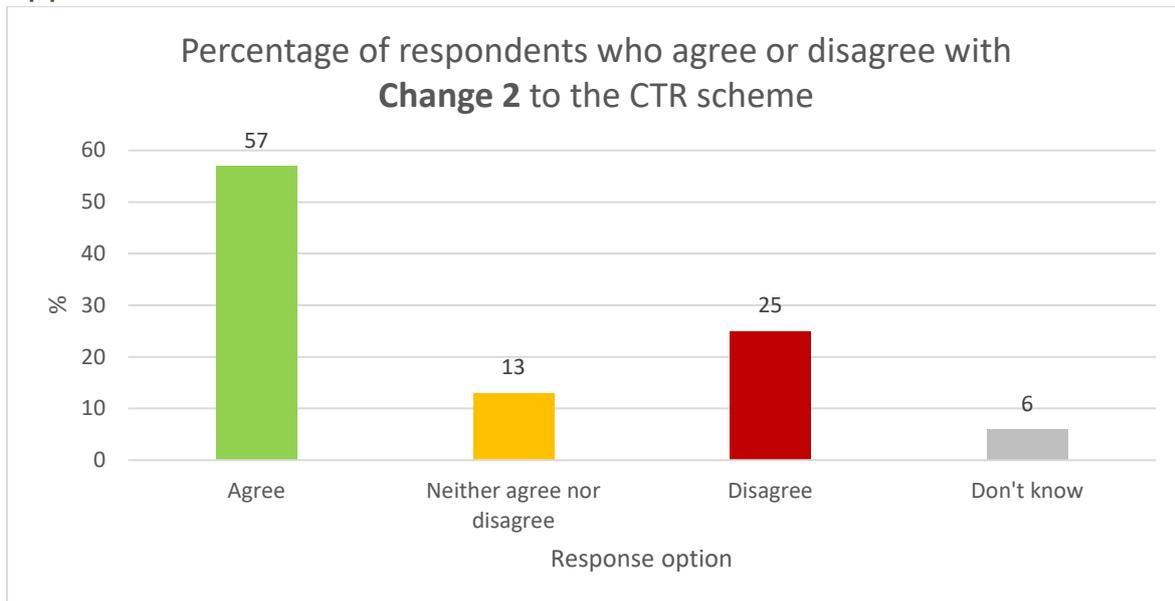
N=88

Comments:

6 comments were left to reiterate the notion that no changes to the current scheme were acceptable. 6 comments indicated that the change would not work for very vulnerable people, and that it would lead to further poverty. 5 commenters stated they thought the change was confusing or not explained well enough.

- No changes acceptable – 6 comments
- Does not work for most vulnerable claimants – 6 comments
- The change is confusing – 5 comments
- Find the money elsewhere – 4 comments
- Reduction should not be dependent on household makeup – 2 comments
- Agreement with changes – 2 comments
- Enhance Hardship Payment Scheme – 1 comment
- No changes to disabled people wanted – 1 comment
- Miscellaneous comments (“unsure/don’t know”) – 1 comment
- Change will make things worse – 1 comment
- No cap on children – 1 comment
- No one should get discount – 1 comment

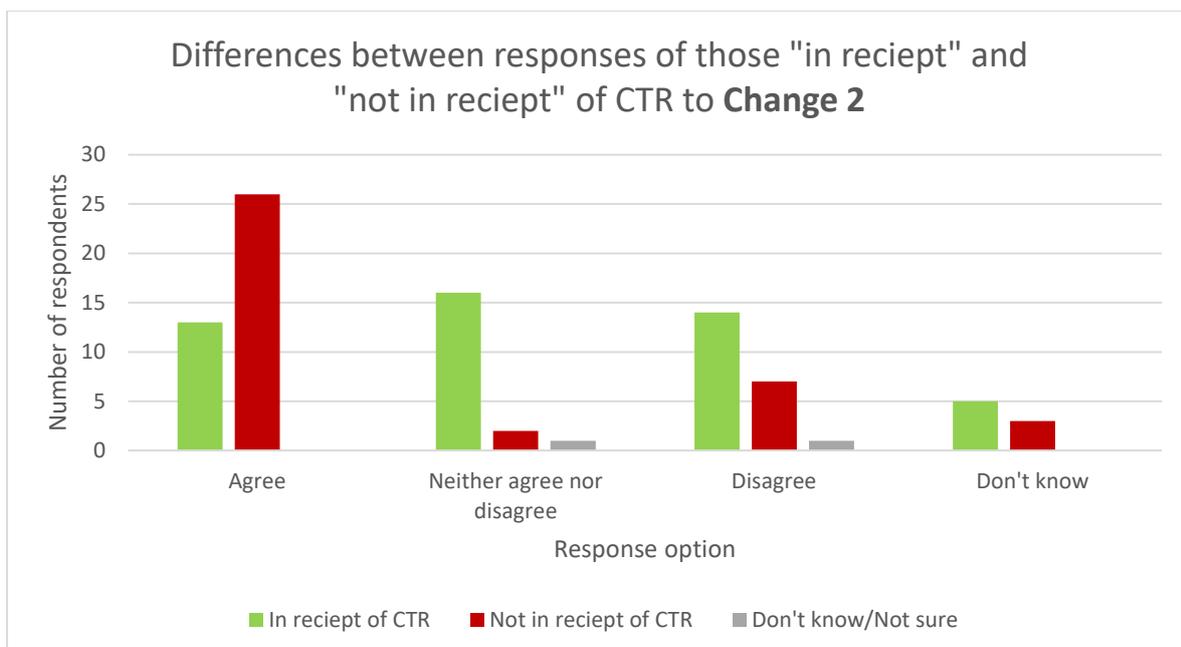
Change 2: To limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two for all applicants



N=88

50 respondents agreed to this change to the scheme (57%), with 22 disagreeing (25%).

Those not in receipt of CTR were more likely to agree to this change (30 agreed), though 20 of 48 recipients of CTR agreed to this change. 15 recipients of CTR disagreed. The difference between responses from recipients of CTR and non-recipients was not statistically significant.



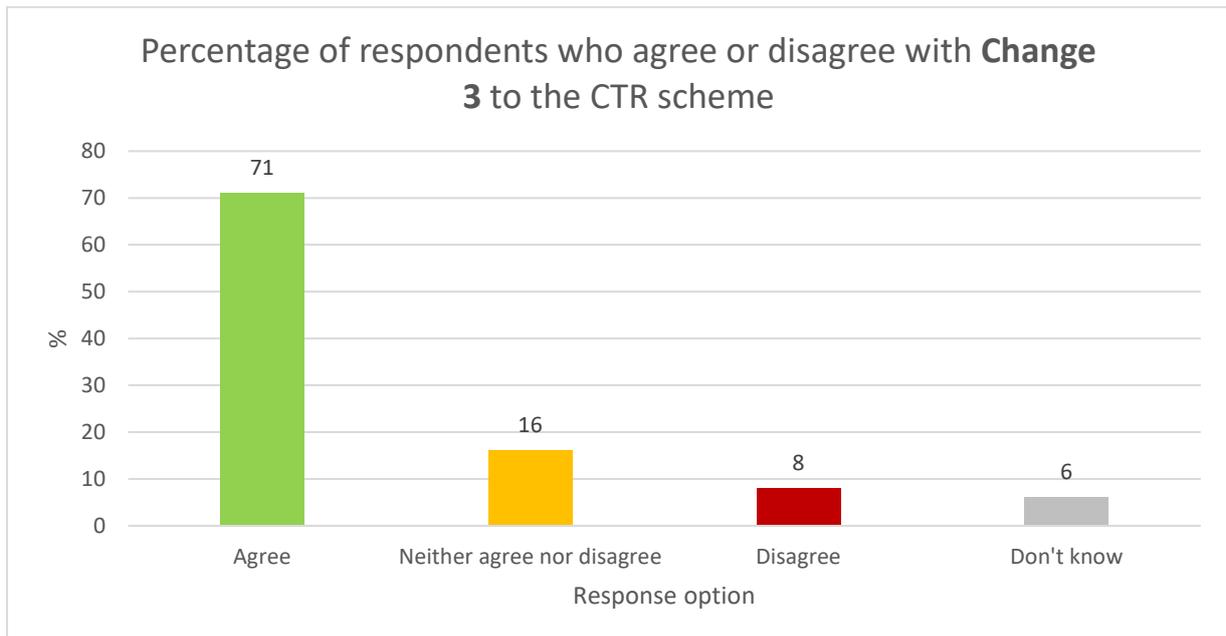
N=88

Comments:

Respondents commented that this change would penalise larger families and leave them with less money. One suggestion was to only apply this change to new claimants instead of all claimants. A few respondents commented that a “one size fits all” style of administration (i.e. applying the 2 child rule to everyone) would not work.

- Changes will punish families with more children – 11 comment
- “One size fits all” approach is unacceptable – 5 comments
- Keep current scheme – 3 comments
- Will cause more hardship to vulnerable – 2 comment
- Find money elsewhere – 2 comment
- Increase hardship scheme – 1 comment
- Must means test – 1 comment
- Making the system too complex – 1 comment
- Change not clear – 1 comment
- Apply change only to new claimants – 1 comment
- Limit on births, not children – 1 comment

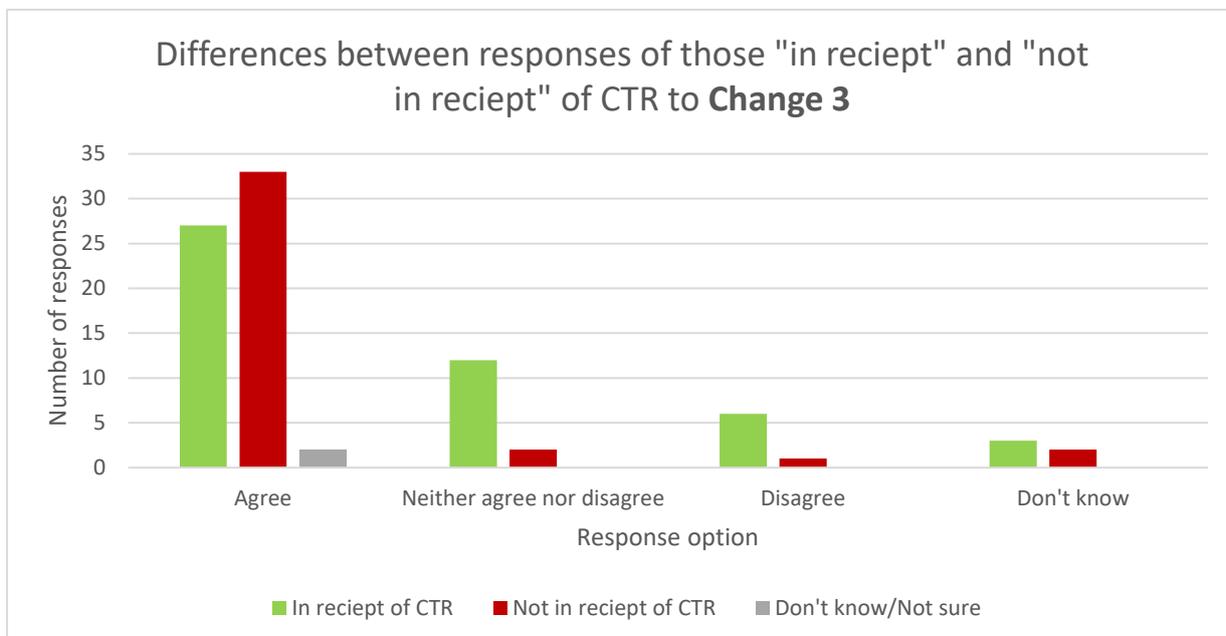
Change 3: Changing the claiming process for all applicants who receive Universal Credit



N=88

Respondents overwhelmingly agreed to this change, with 62 respondents agreeing to the change (71%), and just 7 disagreeing (8%).

Those in receipt of CTR were more likely to disagree with the change - 6 of the 7 respondents in disagreement were recipients of CTR. The difference in responses between recipients of CTR and non-recipients was statistically significant.



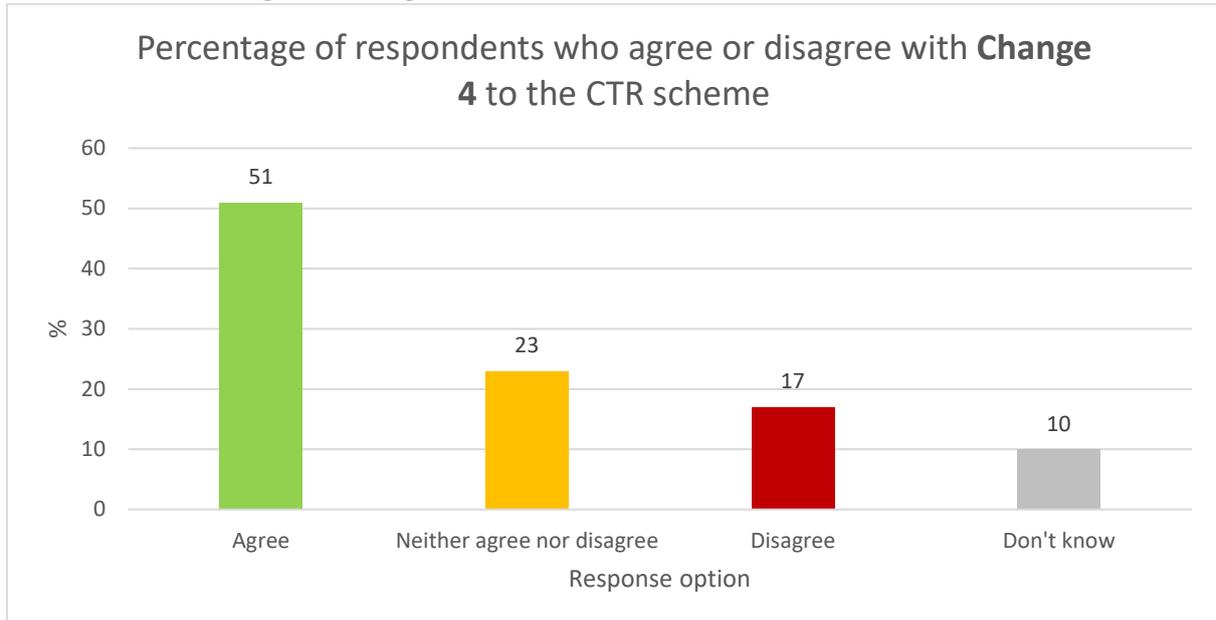
N=88

Comments:

Comments mainly related to the perceived flaws in Universal Credit and how this would not be fixed by the proposed change. Others agreed to this change in the scheme.

- Universal credit is inherently flawed – 5 comment
- Agreement with this change – 3 comment
- Don't take more money from vulnerable – 2 comment
- Enhance hardship scheme – 1 comment
- Claimants make the process more difficult – 1 comment
- Miscellaneous comments (“unsure/don't know”) – 1 comment
- Introduce system like the tax credits system – 1 comment
- How does this work if on old claiming system – 1 comment

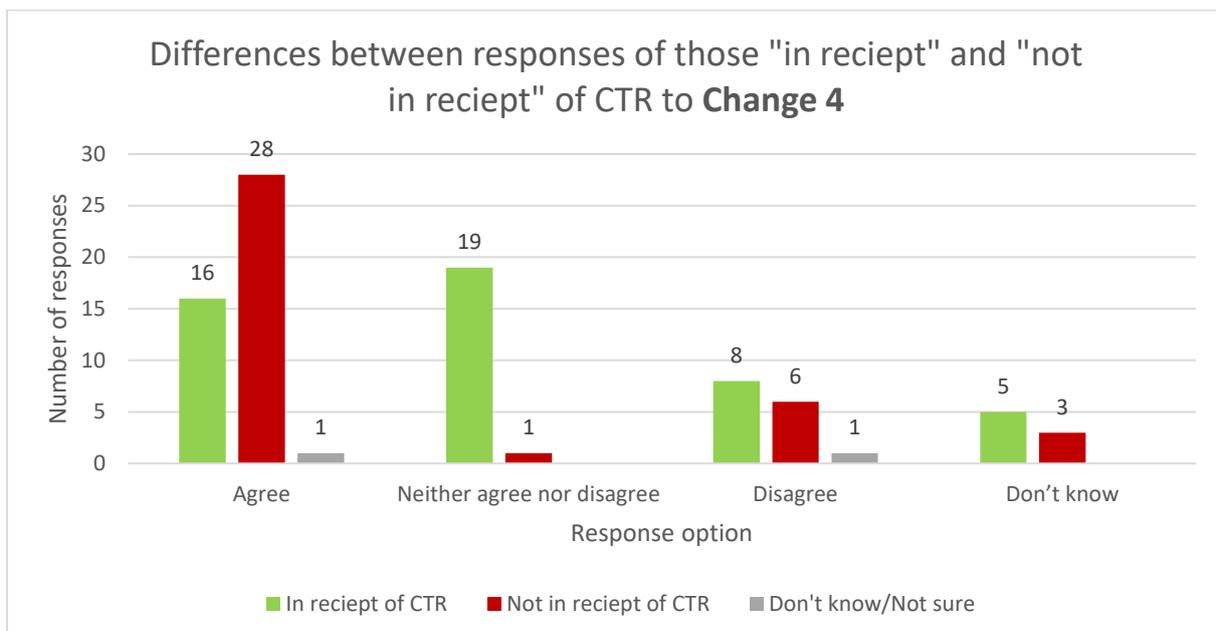
Change 4: Removing the current earnings disregards and replacing them with a single disregard of £25.



N=88

The majority of respondents agreed to this change of the scheme (51%). 20 respondents neither agree nor disagree (23%) and 15 respondents disagree with the change (17%).

Respondents in receipt of CTR were more likely to select “neither agree nor disagree” with regards to this change to the scheme, whereas those not in receipt of CTR were more likely to agree with the proposed change. The difference in responses between recipients of CTR and non-recipients was statistically significant.



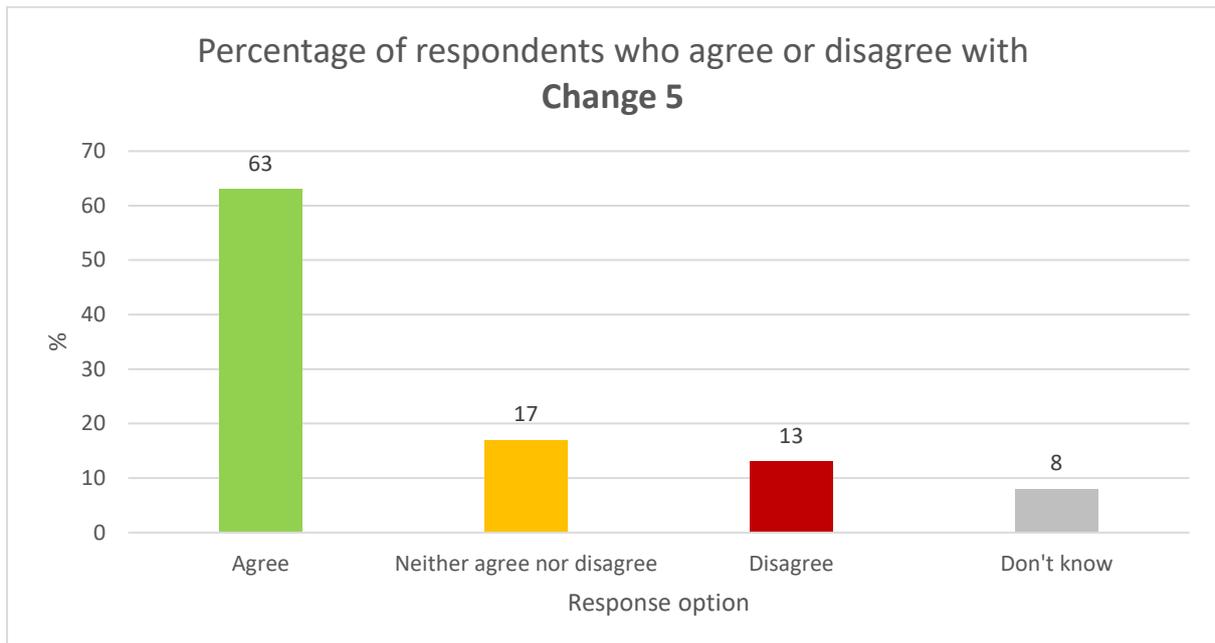
N=88

Comments:

Comments mainly related no one receiving less support. There were a number of comments fearing this change would leave people with less money.

- No one should receive less support – 6 comment
- Change will make people worse off – 4 comments
- Consider income in full with no disregards – 3 comment
- Enhance hardship scheme – 1 comment
- Make the admin easier overall – 1 comment
- Disregard should be the same for everyone – 1 comment
- Percentage disregard instead – 1 comment
- Keep current scheme – 1 comment
- Decide using household earnings – 1 comment

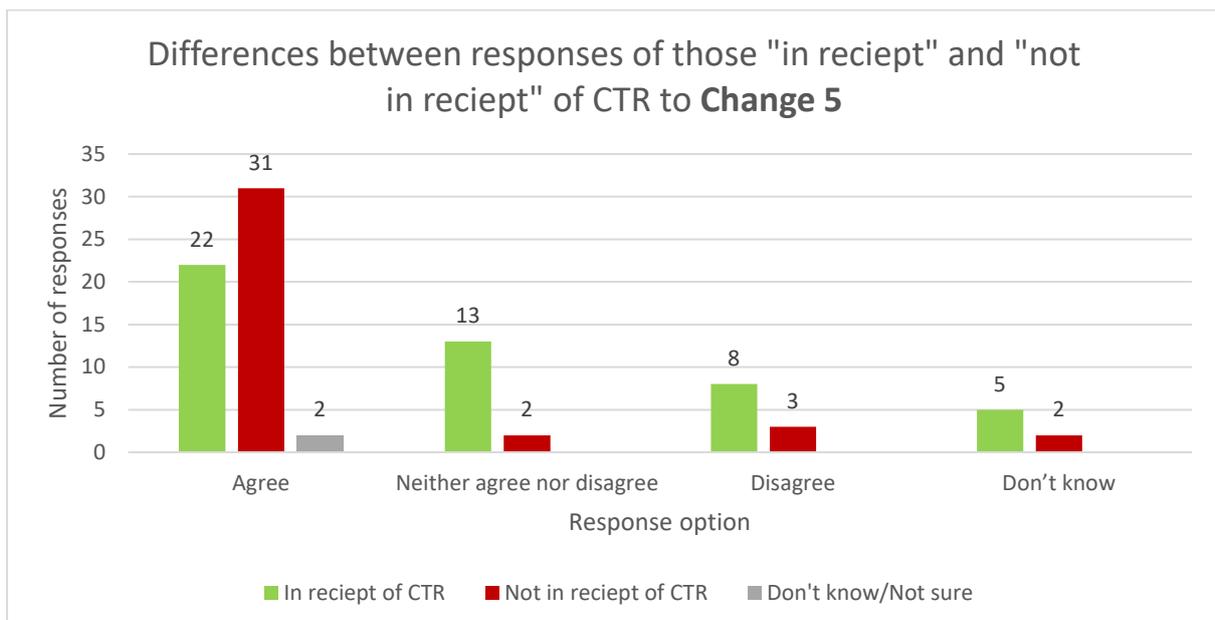
Change 5: Disregarding Carer's Allowance which is currently taken into account as income



N=88

55 respondents agreed to disregarding Carer's Allowance (63%), with only a 11 respondents disagreeing to this change to CTR (13%).

Those not in receipt of CTR are slightly more likely to agree to this change to the scheme than those who are in receipt of CTR. Respondents who receive a reduction already are more likely to disagree to this change than those who do not receive it. The difference in responses between recipients of CTR and non-recipients was statistically significant.



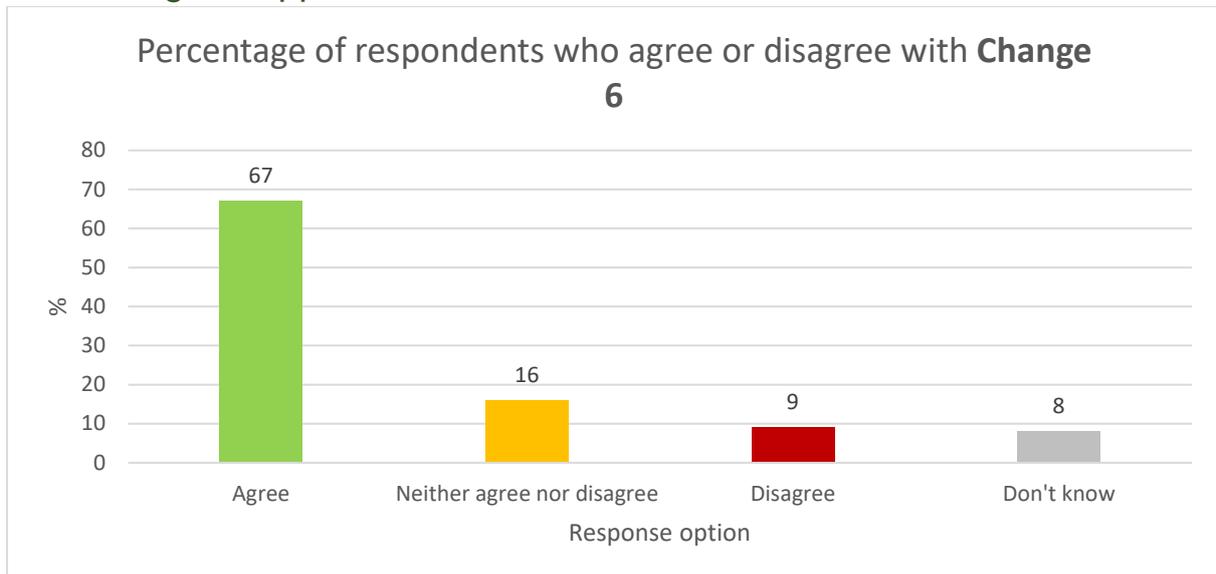
N=88

Comments:

Most of the comments regarding this change related to agreement with the scheme. However, others regard the disregard unfair on other recipients of CTR who this change does not apply to. A few respondents stated that allowances should continue to count as income.

- Agree to change – 4 comment
- Disregard is unfair on other CTR recipients – 3 comment
- Continue to count allowance as income – 3 comments
- Change is flawed – 2 comment
- Enhance hardship scheme – 1 comment
- Concerns of receiving Carer's Allowance fraudulently – 1 comment
- Survey is too confusing and complicated – 1 comment
- Miscellaneous comments ("unsure/don't know") – 1 comment
- Keep current scheme – 1 comment

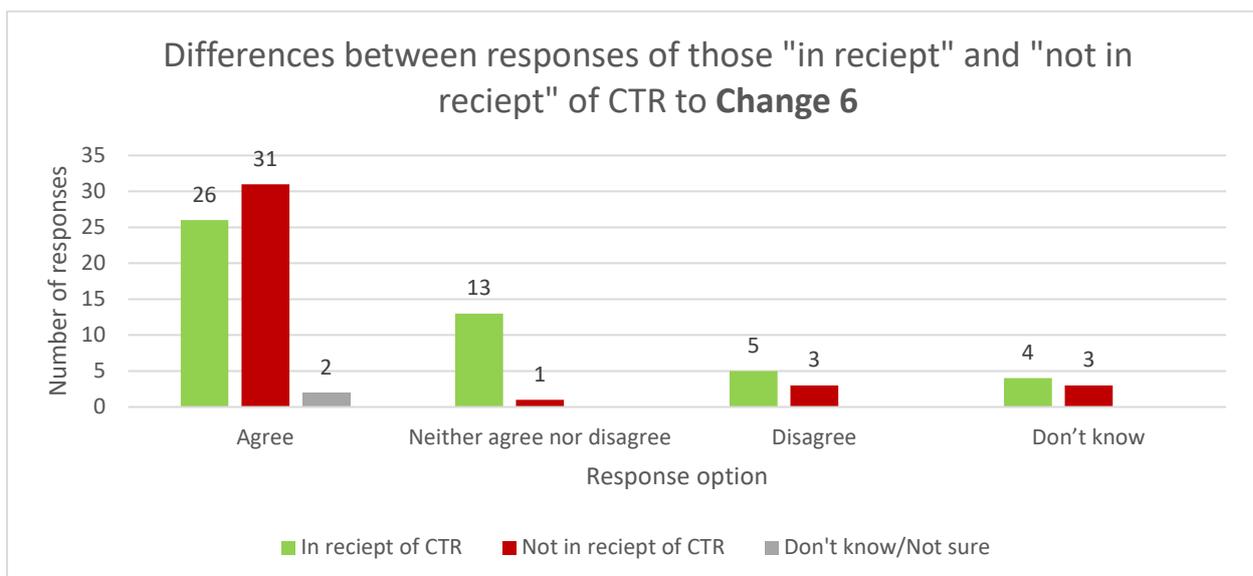
Change 6: Where the applicant is in receipt of Universal Credit, any amount awarded as a housing element will be disregarded when calculating the applicant's income.



N=88

59 respondents agreed with this change to the scheme (67%). Only 9 respondents disagreed with the proposed change (9%).

Those in receipt of CTR were slightly less likely to agree to the proposed change than those who are not in receipt. Recipients of CTR were also much more likely to select "neither agree nor disagree" in response to this proposed change. However, the difference in responses between recipients of CTR and non-recipients was not statistically significant.



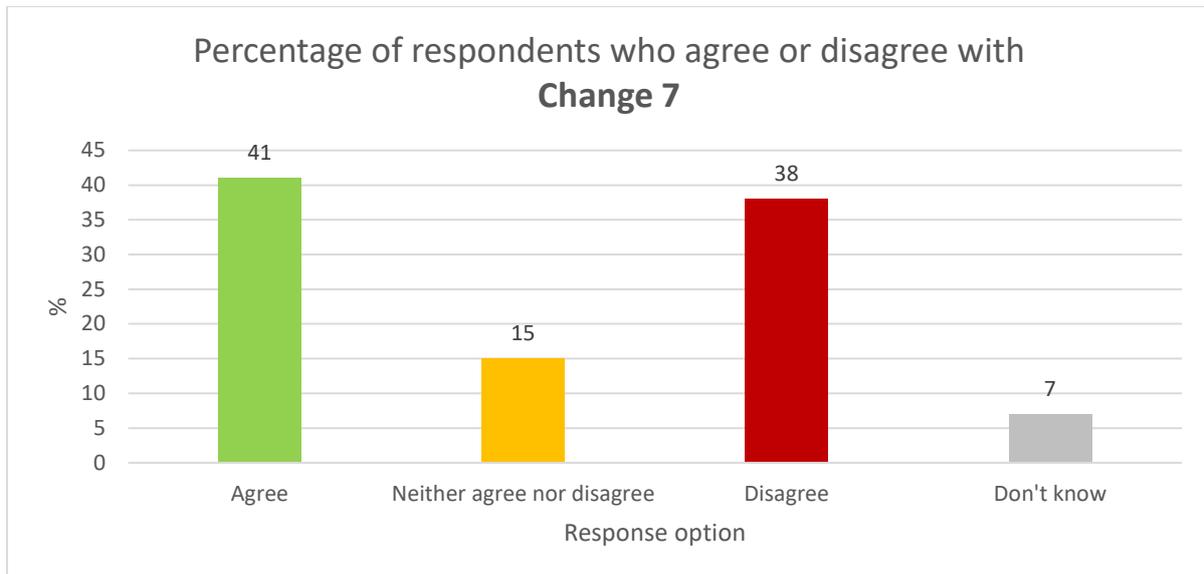
N=88

Comments:

A couple of comments suggested the council was overcomplicating administration which will have a knock-on effect on claimants. 2 respondents felt this change would lead to greater poverty.

- Making the process too slow and complicated – 2 comments
- Change will lead to greater poverty – 2 comments
- Don't understand the question/explanation of change – 2 comments
- Enhance hardship scheme – 1 comment
- Questioning "no drawbacks" – 1 comment
- Miscellaneous comments ("unsure/don't know") – 1 comment
- Agree to change – 1 comment
- Question about whether we deduct the cost of housing when determining qualifying applicants – 1 comment
- Those on housing benefit should pay full CT amount – 1 comment
- Housing element is not disposable income – 1 comment

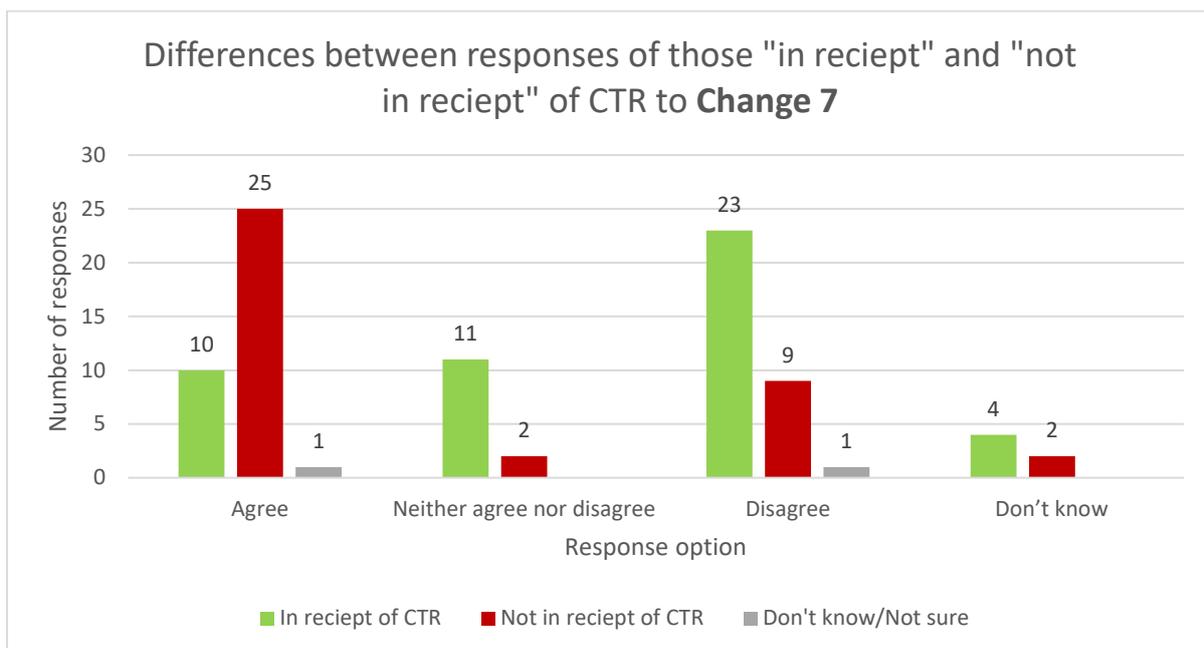
Change 7: Decrease the maximum level of support for working age applicants from 82.5% to 80%, and from 95% to 90% for working age disabled & carer households.



N=88

Change 7 was the most controversial proposal. 36 respondents agreed to this change to the scheme (41%), whereas 33 respondents disagreed with this change (38%).

On further investigation, there is a statistically significant difference in the ways recipients of CTR and non-recipients responded to this change. Those not in receipt were far more likely to agree to this change to the scheme, whereas recipients of CTR were far more likely to disagree with the change. The difference in responses between recipients of CTR and non-recipients was statistically significant.



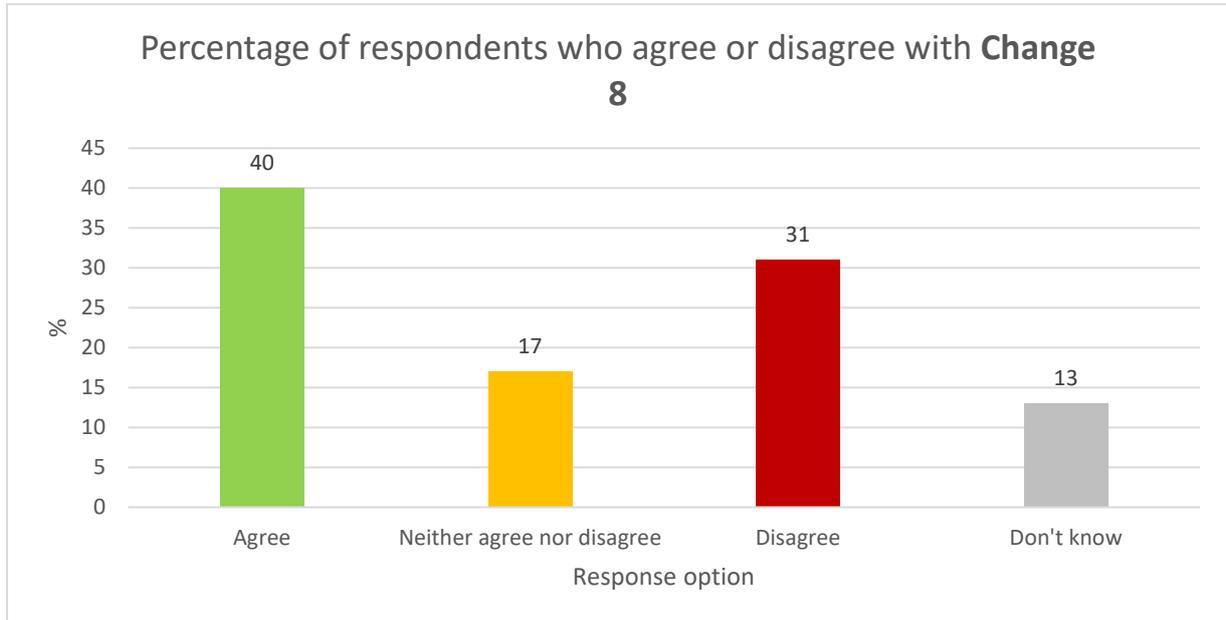
N=88

Comments:

Many of the comments reiterated disagreement with the proposed changes. A few suggested that the change was unfair on disabled and vulnerable recipients of CTR, and there were a few concerns that the change will increase poverty.

- Disagree with change – 14 comment
- Unfair on disabled/most vulnerable recipients – 5 comments
- Change will increase poverty – 4 comment
- Maximum should be 100% - 2 comment
- Maintain current levels of benefit – 1 comment
- Enhance hardship scheme – 1 comment
- Should not use % basis – 1 comment
- Miscellaneous comments (“unsure/don’t know”) – 1 comment
- Scheme supports inflation – 1 comment
- Simplify process more – 1 comment
- Reduce it further – 1 comment
- Reintroduce means tested approach – 1 comment

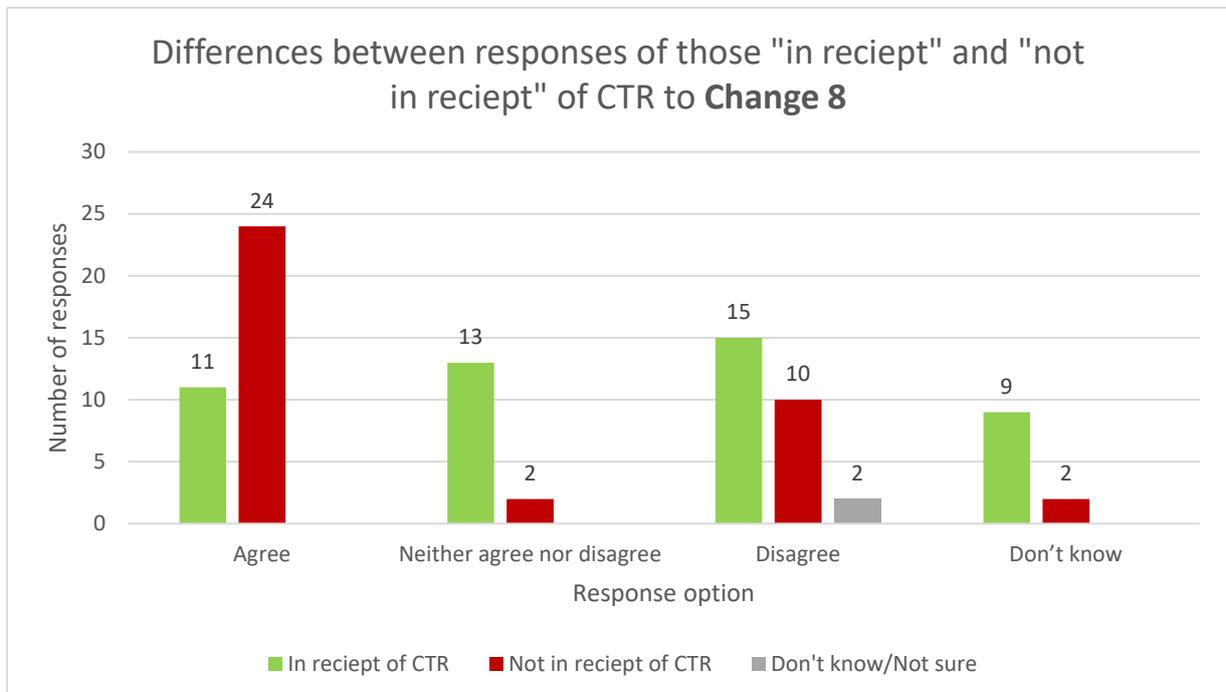
Change 8: Remove the extended payment provision within the existing scheme



N=88

35 respondents agreed to this change to the scheme (40%), however 27 also disagreed with the proposed change (31%).

Non-recipients of CTR were more likely to agree with removing the EPP, whereas recipients of CTR were more likely to be against this change. The difference in responses between recipients of CTR and non-recipients was statistically significant.



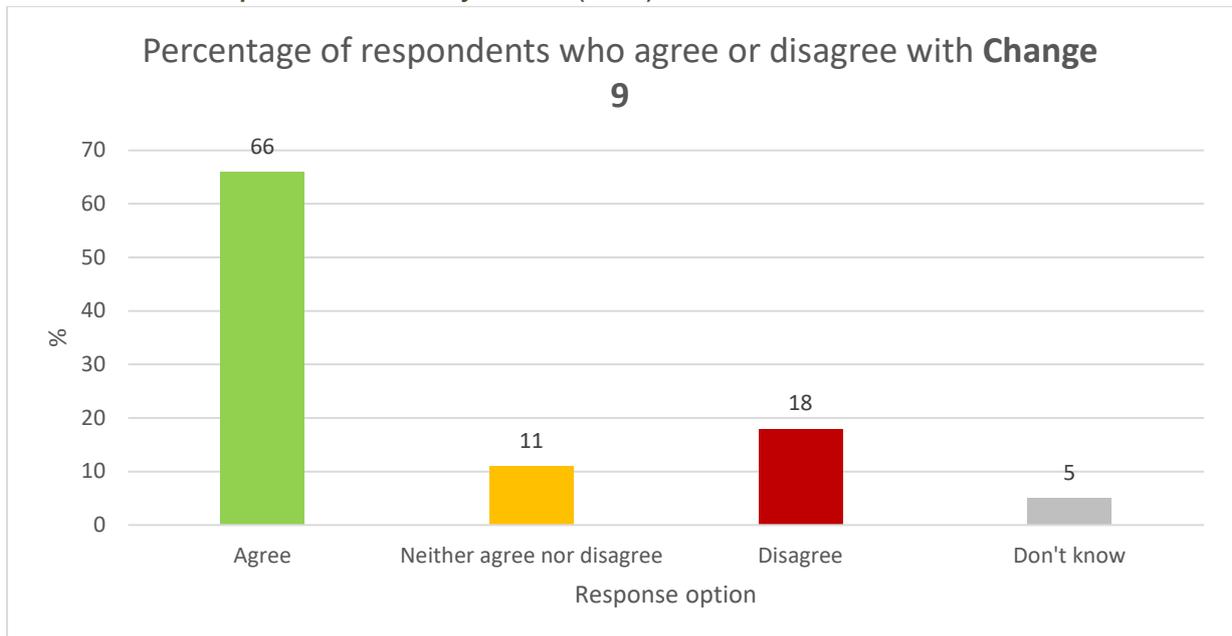
N=88

Comments:

Many of the comments suggested the proposed change causing further hardship to recipients of CTR. A number of comments related to the incentive to work; namely that the current scheme provides an incentive, whereas the proposed changes do not.

- Change would cause hardship – 6 comments
- Change would remove incentive to find work – 4 comments
- Keep the EPP the same – 4 comments
- No one should receive less support – 4 comments
- EPP incentivises seeking work – 3 comments
- EPP acts as a safety net – 2 comments
- Council is trying to remove support – 2 comments
- Current scheme works fine – 2 comments
- Enhance hardship scheme – 1 comment
- Information is confusing – 1 comment
- Change would make people work more – 1 comment
- Change won't work – 1 comment
- 2 week run on instead – 1 comment

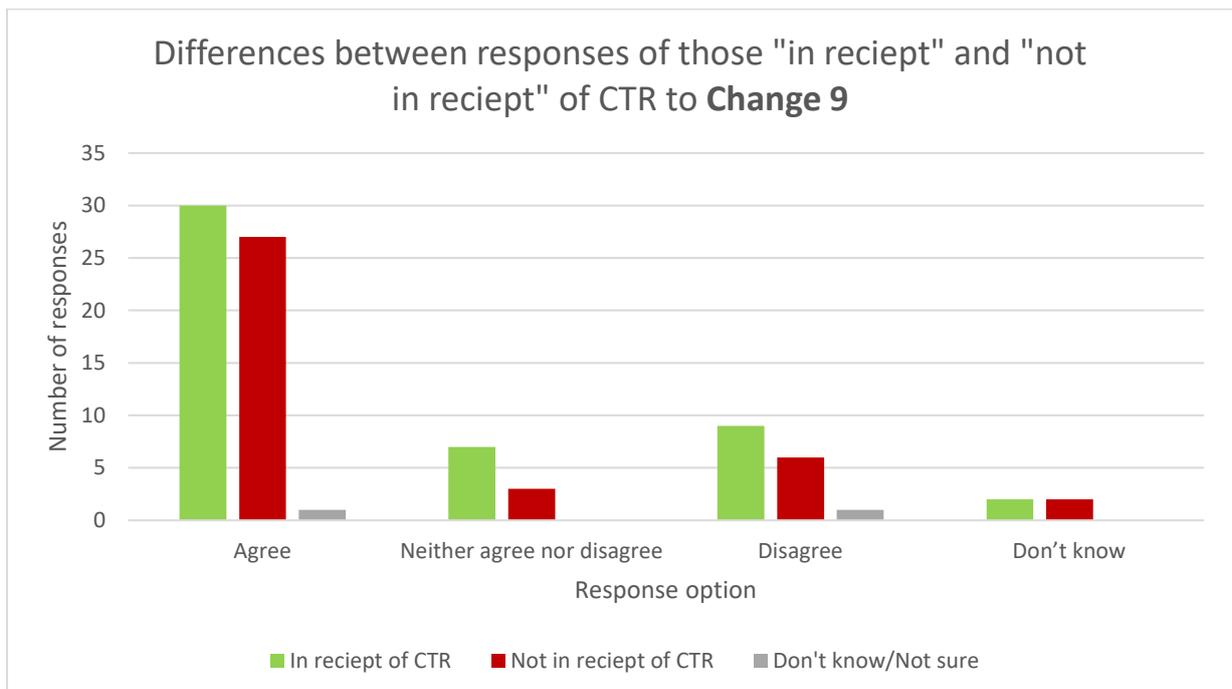
Change 9: Disregarding a further £40 per week where an applicant, partner or dependant receives Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Carer's Allowance



N=88

58 respondents agreed with this change to the scheme (66%). Only 16 (18%) respondents disagreed with the change.

Recipients of CTR were slightly more likely to agree to this change in the scheme than those not in receipt of CTR. The difference in responses between recipients of CTR and non-recipients was not statistically significant.



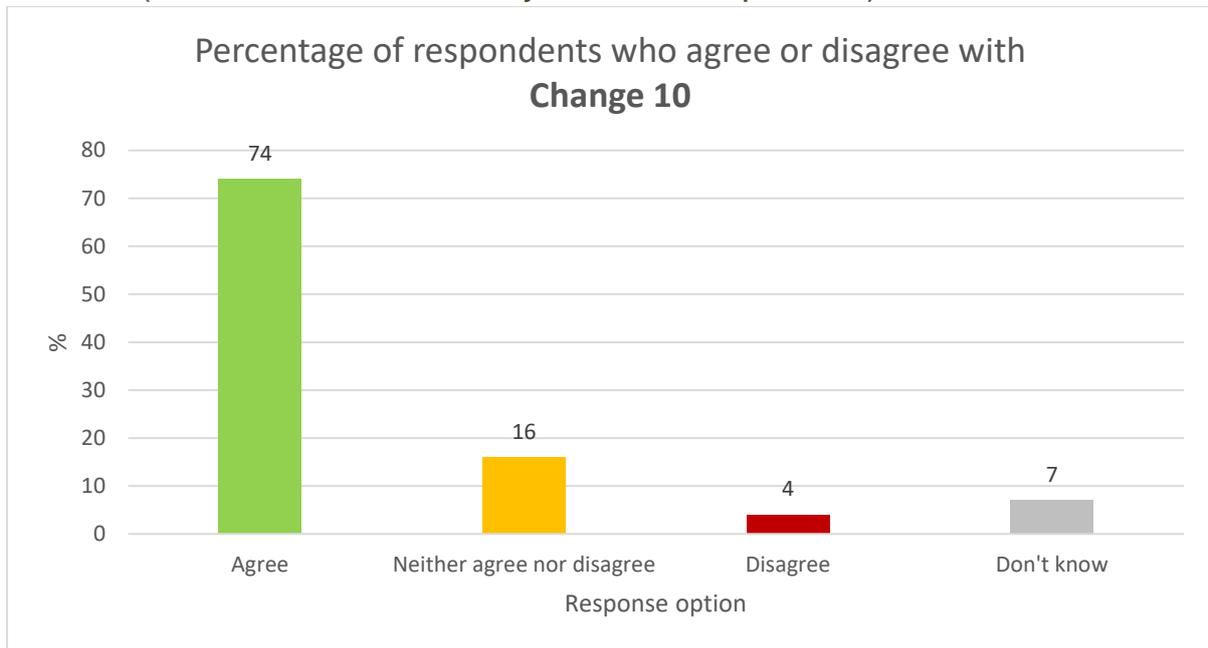
N=88

Comment:

There were several comments regarding not allowing further disregards for disabled claimants, due to the perceived unfairness on other non-disabled claimants and the perceived risk of increasing fraudulent DLA applications.

- No disabled disregards – 7 comments
- Taking money from those who need it – 2 comments
- Change encourages DLA applications from non-applicable applicants – 1 comment
- Enhance hardship scheme – 1 comment
- Council should not adopt “one size fits all approach” – 1 comment
- Change to a percentage – 1 comment
- No additional disregards – 1 comment

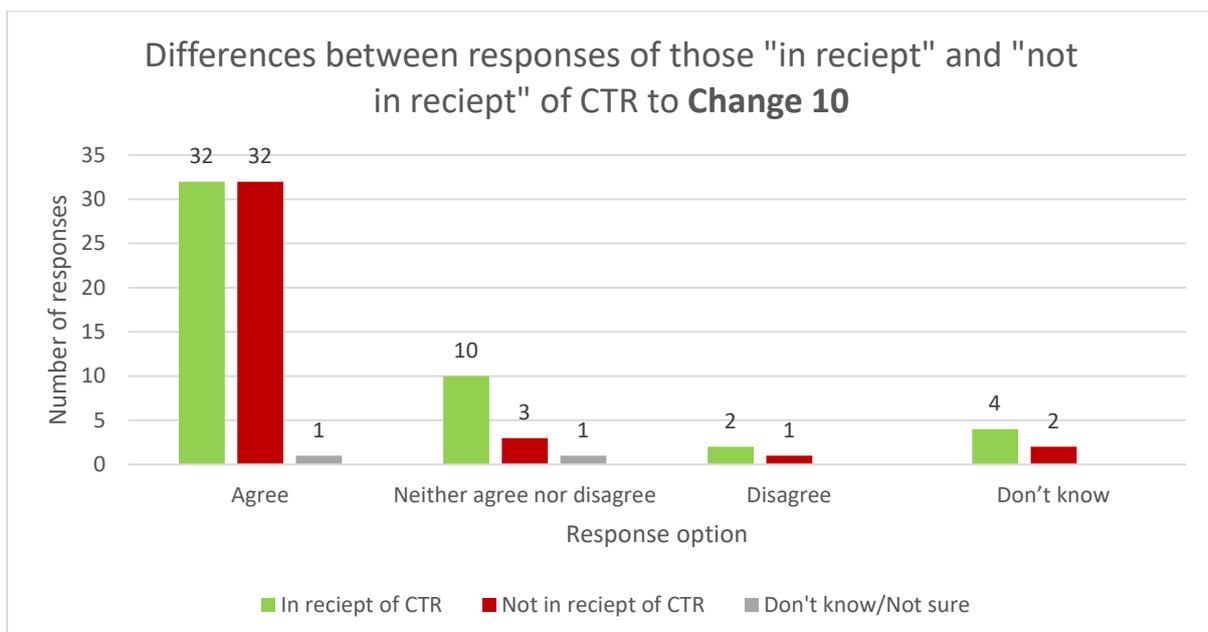
Change 10: Any change in circumstances which changes Council Tax Reduction entitlement will be made from the date on which the change occurs, (rather than on a weekly basis as at present)



N=88

Respondents overwhelmingly agreed to this change to the CTR scheme; 65 respondents agreed to change 10 (74%) and just 6 disagreed (4%).

The same number of recipients of CTR and non-recipients of CTR agreed to this change. Thus, the difference in responses between recipients of CTR and non-recipients was not statistically significant.



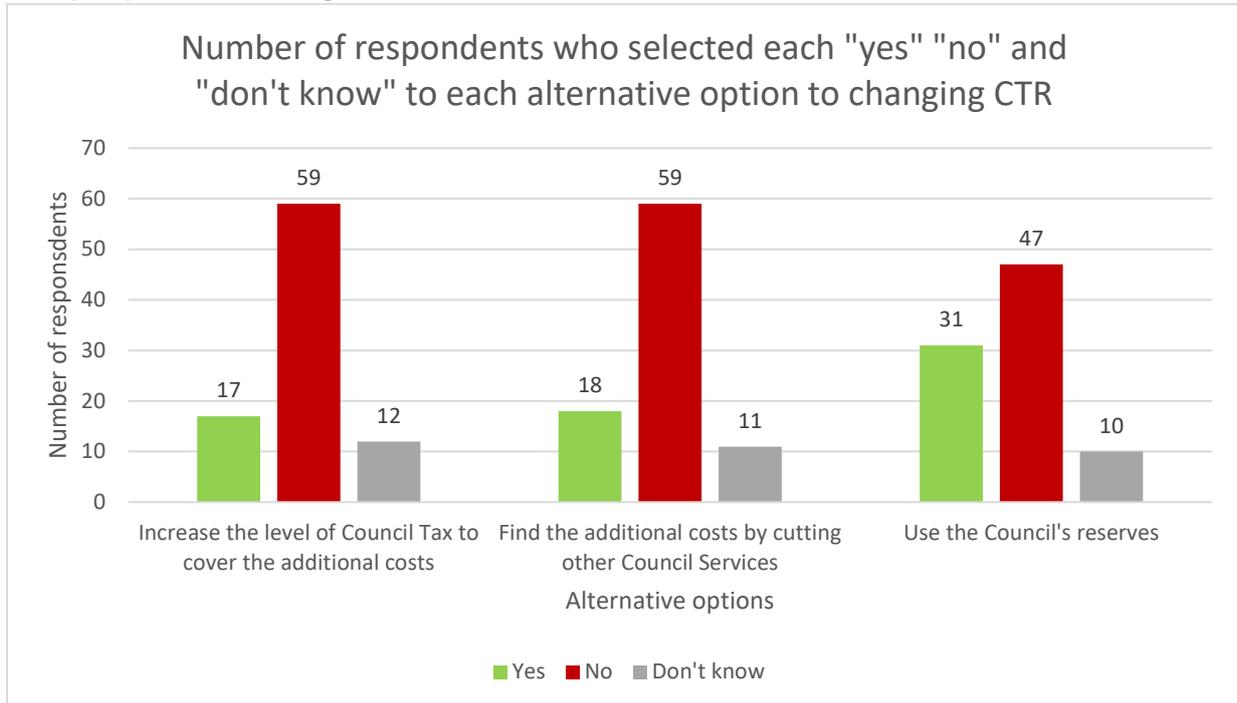
N=88

Comments:

There were no significant comments to report in response to this change.

- Enhance hardship scheme – 1 comment
- Agree with change – 1 comment
- Disagree with change – 1 comment

Do you think we should choose any of the following options rather than the proposed changes to the Council Tax Reduction Scheme?



In general, respondents did not wish to choose any of the alternatives, though they were more favourable of using the council reserves than increasing council tax or cutting funding from other services.

If the Council were to choose these other options to pay for additional administration costs, what would be your order of preference?

As with the previous question, using the Council's reserves was the most favourable option, the order is as follows – from most preferred to least preferred:

1. Using the council reserves
2. Reduce funding available for other council services
3. Increasing the level of council tax

Any other comments on the scheme proposals:

Other comments on the scheme proposals are listed below:

- Careful considerations of impact on most vulnerable people – 5 comment
- Council to reduce spend elsewhere – 7 comment
- Pensioners should make contributions – 1 comment
- Do not reduce support – 2 comment
- Increase council tax – 2 comment
- Ensure additional support/safeguards are in place – 2 comment
- No option to reduce deductions to the main council tax collector (i.e. KCC) – 1 comment
- No comment – 2 comment
- In favour of changes – 2 comments

- Everyone should help support – 1 comment
- Explain using simple language – 1 comment
- Scheme is too complicated -1 comment
- Ensure same for everyone, rather than on individual circumstances – 1 comment
- Make wealthier people pay more council tax – 1 comment
- More paper copies of survey – 1 comment

Other options suggested:

- Cut back spending on other projects – 3 comments
- Case-by-case system – 2 comments
- Keeping council tax low does not benefit most people – 2 comments
- Scrap relief, enhance hardship scheme – 1 comment
- Need to work on incentivising getting people back into work – 1 comment
- Better explanations of proposals – 1 comment
- Consider any other option – 1 comment
- Don't overcomplicate it – 1 comment
- Emergency fund – 1 comment
- Proposals won't work – 1 comment
- No comment – 1 comment
- People with children should pay more – 1 comment
- Lobby central Government – 1 comment
- Charge council tax on income basis – 1 comment
- Charge more council tax – 1 comment
- Return to older scheme – 1 comment

Further comments or questions to make regarding the Council Tax Reduction scheme that the respondent did not have opportunity to raise elsewhere:

Respondents had these further comments on the scheme:

- Don't cause hardship to vulnerable – 2 comment
- Breakdown of exactly where money goes – 2 comment
- Remove non-dependent contribution – 1 comment
- Scheme is not fair – 1 comment
- Please think carefully – 1 comment
- CTR is valued – 1 comment
- Don't remove EPP – 1 comment
- Funding issues not resolved by changes proposed – 1 comment
- No comment – 2 comments
- Where do increased costs come from? – 1 comment
- Are we going to monitor household change? – 1 comment
- Help disabled more – 1 comment
- Tap into reserves – 1 comment
- What is happening to single occupancy reduction? – 1 comment

- Comment on government cuts – 1 comment
- Wants to be able to read over own responses – 1 comment

This page is intentionally left blank

Ashford Borough Council
Council Tax Reduction Scheme for Working Age Applicants
S13A and Schedule 1a of the Local Government Finance Act 1992

1.0	Introduction to the Council Tax Reduction Scheme.....	6
2.0	Interpretation – an explanation of the terms used within this scheme.....	12
3.0	Definition of non-dependant	20
4.0	Requirement to provide a National Insurance Number.....	21
5.0	Persons who have attained the qualifying age for state pension credit.....	21
6.0	Remunerative work.....	21
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control.....	22
	Persons subject to immigration control	24
7A.0	Transitional provision	24
8.0	Temporary Absence (period of absence)	24
	Sections 9 - 11	27
	The family for Council Tax Reduction purposes	27
9.0	Membership of a family	28
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	28
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	29
	Sections 12 – 30 & Schedules 2 & 3.....	30
	Definition and the treatment of income for Council Tax Reduction purposes.....	30
12.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage.....	31
13.0	Calculation of income and capital: persons who have an award of universal credit	31
14.0	Circumstances in which capital and income of non-dependant is to be treated as applicant’s	32
15.0	Calculation of income on a weekly basis.....	32
16.0	Average weekly earnings of employed earners	32
17.0	Average weekly earnings of self-employed earners	33
18.0	Not used.....	33
19.0	Calculation of average weekly income from tax credits	33
20.0	Calculation of weekly income	33
21.0	Disregard of changes in tax, contributions etc.....	34
22.0	Earnings of employed earners.....	34
23.0	Calculation of net earnings of employed earners	35
24.0	Earnings of self-employed earners.....	36
25.0	Calculation of net profit of self-employed earners	36
26.0	Deduction of tax and contributions of self-employed earners	38
27.0	Minimum Income Floor.....	39
28.0	Calculation of income other than earnings.....	39
29.0	Capital treated as income	41
30.0	Notional income.....	41

Sections 31 – 40 & Schedule 4.....	44
Definition and the treatment of capital for Council Tax Reduction purposes.....	44
31.0 Capital limit	45
32.0 Calculation of capital.....	45
33.0 Disregard of capital of child and young person.....	45
34.0 Income treated as capital.....	45
35.0 Calculation of capital in the United Kingdom.....	45
36.0 Calculation of capital outside the United Kingdom.....	46
37.0 Notional capital	46
38.0 Diminishing notional capital rule.....	47
39.0 Capital jointly held	50
40.0 Tariff income from Capital	50
Sections 41 - 56	51
Definition and the treatment of students for Council Tax Reduction purposes	51
41.0 Student related definitions	52
42.0 Treatment of students	55
43.0 Students who are excluded from entitlement to Council Tax Reduction	55
44.0 Calculation of grant income	56
45.0 Calculation of covenant income where a contribution is assessed.....	58
46.0 Covenant income where no grant income or no contribution is assessed	58
47.0 Student Covenant Income and Grant income – non disregard	58
48.0 Other amounts to be disregarded.....	58
49.0 Treatment of student loans.....	59
50.0 Calculating loan Income weekly	59
51.0 Treatment of fee loans.....	60
52.0 Treatment of payments from access funds.....	60
53.0 Disregard of contribution	60
54.0 Further disregard of student’s income.....	61
55.0 Income treated as capital.....	61
56.0 Disregard of changes occurring during summer vacation.....	61
Sections 57 – 59.....	62
The calculation and amount of Council Tax Reduction	62
57.0 Maximum Council Tax Reduction.....	63
58.0 Non-dependant deductions	63
59.0 Extended reductions	64
59A.0 Duration of extended reduction period	65
59B.0 Amount of extended reduction.....	66
59C.0 Extended reductions – movers.....	66

59D.0	Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement.....	66
59E.0	Extended reductions (qualifying contributory benefits)	67
59F.0	Duration of extended reduction period (qualifying contributory benefits)	67
59G.0	Amount of extended reduction (qualifying contributory benefits).....	67
59H.0	Extended reductions (qualifying contributory benefits) – movers	68
59I.0	Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement	68
59J.0	Extended reductions: movers into the authority’s area	68
	Sections 60 – 61.....	70
	Dates on which entitlement and changes of circumstances are to take effect	70
60.0	Date on which entitlement is to begin.....	71
61.0	Date on which change of circumstances is to take effect	71
	Sections 62– 70.....	72
	Claiming and the treatment of claims for Council Tax Reduction purposes	72
62.0	Making an application	73
63.0	Procedure by which a person may apply for a reduction under the authority’s scheme.....	74
64.0	Backdating.....	75
65.0	Date on which an application is made	75
66.0	Submission of evidence electronically	77
67.0	Use of telephone provided evidence	77
68.0	Information and evidence	77
69.0	Amendment and withdrawal of application.....	78
70.0	Duty to notify changes of circumstances	78
	Sections 71- 78	80
	Decisions, decision notices and awards of Council Tax Reduction.....	80
71.0	Decisions by the authority.....	81
72.0	Notification of decision	81
73.0	Time and manner of granting Council Tax Reduction	82
74.0	Persons to whom reduction is to be paid	82
75.0	Shortfall in reduction.....	83
76.0	Payment on the death of the person entitled.....	83
77.0	Offsetting	83
78.0	Payment where there is joint and several liability	83
	Sections 79 – 82.....	85
	Collection, holding and forwarding of information for Council Tax Reduction purposes	85
79.0	Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty’s Revenues and Customs (HMRC).....	86
80.0	Collection of information	86
81.0	Recording and holding information	86

82.0 Forwarding of information	86
Sections 83 – 85.....	87
Revisions, Written Statements, Termination of Council Tax Reduction.....	87
83.0 Persons affected by Decisions.....	88
84.0 Revisions of Decisions	88
85.0 Terminations	88
Section 86	89
Appeals against the authority’s decisions	89
86.0 Procedure by which a person may make an appeal against certain decisions of the authority 90	
Section 87	91
Procedure for applying for a discretionary reduction	91
87.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act and Discretionary Relief Scheme.	92
Section 88 – 96	93
Electronic Communication	93
88.0 Interpretation.....	94
89.0 Conditions for the use of electronic communication.....	94
90.0 Approval.....	94
91.0 Use of intermediaries.....	94
92.0 Effect of delivering information by means of electronic communication.....	94
93.0 Proof of identity of sender or recipient of information	95
94.0 Proof of delivery of information.....	95
95.0 Proof of content of information.....	95
96.0 Data Protection and consent.....	95
Section 97	96
Counter Fraud and Compliance.....	96
97.0 Counter Fraud and compliance	97
Schedule 1	98
Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme	98
Schedule 2	100
Sums to be disregarded in the calculation of earnings	100
Schedule 3	102
Sums to be disregarded in the calculation of income other than earnings.....	102
Schedule 4	113
Capital to be disregarded	113

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 from 1st April 2020.
- 1.2 This document details how the scheme will operate for **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 2020 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015:
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2018;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2019: and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

- 1.4 There are three main classes under the prescribed pension 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 an income banded / grid scheme means test, which compares income against a range of discounts available. 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 **one** class of persons who will receive a reduction in line with adopted scheme. The scheme has qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule

- f. 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- g. not have capital savings above £10,000;
- h. not have income above the levels specified within the scheme;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax in respect of which the person's *income* is within a range of incomes specified within Schedule 1;
and
- j. has made a valid application for reduction.

Working Age - Council Tax Reduction Scheme

This scheme relates to the financial year beginning with 1 April 2020 and should be cited as Ashford Borough Council – Council Tax Reduction Scheme.

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

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

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

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

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

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

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering

from hepatitis C and other persons eligible for payment in accordance with its provisions;

‘child’ means a person under the age of 16;

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

‘the Children Order’ means the Children (Northern Ireland) Order 1995;

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

‘claim’ means a claim for Council Tax Reduction;

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

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

‘the Consequential Provisions Regulations’ means the Housing Benefit (Consequential Provisions) Regulations 2006;

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

‘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 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

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

‘designated authority’ means any of the following;
the local authority; or 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 22 or, as the case may be, 24;

‘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’**;

‘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 59;

‘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;

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

‘net earnings’ means such earnings as are calculated in accordance with section 23;

‘net profit’ means such profit as is calculated in accordance with section 25;

‘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;

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

‘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

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

'partner' in relation to a person, means

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

'payment' includes part of a payment;

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

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

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

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

"person from abroad" means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

'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;

‘Scottish basic rate’ means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

‘Scottish taxpayer’ has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998

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

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

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

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

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

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

‘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 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;

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

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

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

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

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

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

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

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

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

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

‘war pension’ means a war disablement pension, a war widow’s pension or a war widower’s pension;

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

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

‘water charges’ means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

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

‘week’ means a period of seven days beginning with a Monday;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹; and

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income- based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the

¹ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

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).

2.5 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.

2.6 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.

2.7 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 Number²

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

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

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

4.3 Paragraph 4.2 shall not apply–

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

5.0 Persons who have attained the qualifying age for state pension credit

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (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 shall be treated as not being in remunerative work in that week.

6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.

6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him.

7.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control

Persons treated as not being in Great Britain

7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

7.4 For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive 2004/38/EC;
- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or

- (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); 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 paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations⁽⁵⁾ as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-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 who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971³ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (i) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”)

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

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

7.8 In this regulation—

³ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

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

“Crown servant” means a person holding an office or employment under the Crown;

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

The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and

“Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme.

7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9

7.11 “Person subject to immigration control” has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

7A.0 Transitional provision

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

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

7A.2 The events are—

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

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

8.0 Temporary Absence (period of absence)

8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable

8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.

8.3 In paragraph 8.2, a ‘period of temporary absence’ means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- (b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence

from the dwelling, where and for so long as;

- i. the person intends to return to the dwelling;
- ii. the part of the dwelling in which he usually resided is not let or sub-let; and
- iii. that period is unlikely to exceed 13 weeks; and

(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as

- i. the person intends to return to the dwelling;
- ii. the part of the dwelling in which he usually resided is not let or sub-let;
- iii. the person is a person to whom paragraph 8.4 applies; and
- iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- (a) detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
- (b) resident in a hospital or similar institution as a patient;
- (c) undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) following, in the United Kingdom or elsewhere, a training course;
- (e) undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- (f) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- (g) in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) a student;
- (i) receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is;

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

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

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

8.7 In this section;

- 'medically approved' means certified by a medical practitioner;

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

Sections 9 - 11

The family for Council Tax Reduction purposes

9.0 Membership of a family

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

For the purposes of the scheme a child is further defined as a 'child or young person'
A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- (a) on income support;
 - (b) an income-based Jobseeker's Allowance or an income-related Employment and Support allowance; or 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 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.

10.4 In accordance with Schedule 1 of this scheme, the number of dependants determined to be within the household shall be limited to two.

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

11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

11.2 A child or young person shall not be treated as a member of the applicant's household where he is;

- (a) placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household where;

- a. that child or young person lives with the applicant for part or all of that reduction week; and
- b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Sections 12 – 30 & Schedules 2 & 3

Definition and the treatment of income for Council Tax Reduction purposes

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

- 12.1 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.

- 12.2 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.

- 12.3 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 of this Part in like manner as for the applicant.

13.0 Calculation of income and capital: persons who have an award of universal credit

- 13.1 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.
- 13.2 The authority may 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) and a sum determined as an amount for housing costs;
(b) any sum to be disregarded under paragraphs of Schedule 2 to this scheme (sums to be disregarded in the calculation of earnings);
(c) any sum to be disregarded under Schedule 3 to this scheme (sums to be disregarded in the calculation of income other than earnings);
(d) 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)
- 13.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.
- 13.4 Sections 14 (income and capital of non-dependant to be treated as applicant's) 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)
- 13.5 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

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

14.1 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.

14.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 14.1 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.

15.0 Calculation of income on a weekly basis

15.1 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 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 and then 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.

15.2 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 childcare 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.

15.3 The maximum deduction to which paragraph 15.1 above refers shall be the maximum disregard capped in line with the amount awarded in the Child Care Element of Universal Credit

16.0 Average weekly earnings of employed earners

16.1 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 16.1a 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.

16.2 Where the applicant has been in his employment for less than the period specified in paragraph 16.1 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.

16.3 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.

16.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 22 and 23

17.0 Average weekly earnings of self-employed earners

17.1 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.

17.2 An applicant's income which does not consist of earnings shall 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.

18.0 Not used

19.0 Calculation of average weekly income from tax credits

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

19.2 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 19.3

19.3 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.

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

20.0 Calculation of weekly income

20.1 For the purposes of the average weekly earnings of employed earners and average weekly income other than earnings and 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.

20.2 For the purpose of the average weekly earnings of self-employed earners and 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.

21.0 Disregard of changes in tax, contributions etc.

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

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

in the maximum rate of child tax credit or working tax credit,

22.0 Earnings of employed earners

22.1 Subject to paragraph 22.2, '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—
- (g) (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;
- (h) 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);
- (i) 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);
- (j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- (k) any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (l) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave, shared parental pay or adoption leave or is absent from work because he is ill;
- (m) 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 as amended⁴.

⁴ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- 22.2 Earnings shall not include–
- (a) subject to paragraph 22.3, 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 or an applicant participating as a service user

22.3 Paragraph 22.2 (a) shall not apply in respect of any non-cash voucher referred to in paragraph 22.1 (l)

23.0 Calculation of net earnings of employed earners

23.1 For the purposes of section 16 (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 23.2, be his net earnings.

23.2 There shall be disregarded from an applicant’s net earnings, any sum, where applicable, specified in Schedule 2.

23.3 For the purposes of paragraph 23.1 net earnings shall, except where paragraph 23.6 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 23.5 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.

23.4 In this section ‘qualifying contribution’ means any sum which is payable periodically as a contribution towards a personal pension scheme.

23.5 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.

23.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 16 (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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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.

24.0 Earnings of self-employed earners

24.1 Subject to paragraph 24.2, '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.

24.2 'Earnings' shall not include any payment to which Schedule 3 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.

24.3 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 trademark; 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 trademark, or an original contributor to the book of work concerned.

24.4 Where the applicant's earnings consist of any items to which paragraph 24.3 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 2 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

25.0 Calculation of net profit of self-employed earners

25.1 For the purposes of section 17 (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 national insurance contributions

- ii. payable under the Act calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
- ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

- 25.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in Schedule 2.
- 25.3 For the purposes of paragraph 25.1 a) the net profit of the employment must, except where paragraph 25.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less
- (a) subject to paragraphs 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with paragraph (25.11) in respect of any qualifying premium.
- 25.4 For the purposes of paragraph 25.1b) 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 25.5 to 25.8, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 25.5 Subject to paragraph 25.6 no deduction shall be made under paragraph 25.3 a) or 25.4, 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.
- 25.6 A deduction shall be made under paragraph 25.3 a) or 25.4 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.
- 25.7 The authority shall refuse to make deductions in respect of any expenses under paragraph 25.3 a. or 25.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 25.8 For the avoidance of doubt—
- (a) deductions shall not be made under paragraph 25.4 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

- 25.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- (a) income tax; and
 - (b) national insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with paragraph 25.1 in respect of any qualifying contribution.
- 25.10 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.
- 25.11 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.
- 25.12 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.

26.0 Deduction of tax and contributions of self-employed earners

- 26.1 The amount to be deducted in respect of income tax under section 25.1b i), 25.3 b) i) or 25.9 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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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.
- 26.2 The amount to be deducted in respect of national insurance contributions shall be the total of—
- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
 - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.
- 26.3 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 25.3(a) or, as the case may be, 25.4 of section

25;

(b) in the case of employment as a child minder, one-third of the earnings of that employment.

27.0 Minimum Income Floor

27.1 Where no start up period (as defined within 52A (2)) applies to the applicant or partner, the income used by the Council in the calculation of their award will be the gross amount declared by the applicant or a substituted amount whichever is the higher. This substituted amount shall not be less than 16 hours multiplied by the national living wage (or national minimum wage as appropriate) From that, the Council will deduct only an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made).

27.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the applicant or partner. This will normally be one year from the date of commencement of the employment activity. During this period, no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

27.3 Where an applicant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the substituted amount where appropriate.

27.4 No start-up period may be applied in relation to an applicant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction.

27.5 In order to establish whether to award a start up period, the applicant must satisfy the Council that the employment is

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted; and
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

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

28.0 Calculation of income other than earnings

28.1 For the purposes of calculating the average weekly income other than earnings, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income.

28.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 28.1, any sum, where applicable, specified in Schedule 3.

28.3 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 28.1 shall be the gross amount payable.

28.4 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 or 2013 as appropriate, the amount

of that benefit to be taken into account is the amount as if it had not been reduced.

- 28.5 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 19.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 28.6 In paragraph 28.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 28.7 Paragraph 28.8 and 28.9 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.
- 28.8 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 28.1 in respect of a person to whom paragraph 28.7 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.
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 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.
- 28.9 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 28.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 28.8 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.
- 28.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 41 to 43, 'assessment period' means—
(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.
whichever of these dates is earlier

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

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

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 44.7 or both.

28.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 28.1

- a. any payment to which 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.

29.0 Capital treated as income

29.1 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 31 to 40 of this scheme exceeds £10,000, be treated as income.

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

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

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

29.5 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.

30.0 Notional income

30.1 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.

30.2 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 4 (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 4 refers;
- (f) rehabilitation allowance made under section 2 of the 1973 Act;
- (g) child tax credit; or
- (h) working tax credit,
- (i) 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.

30.3 Any payment of income, 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.

30.4 Paragraph 30.3 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.

30.5 Where an applicant is in receipt of any benefit (other than Council Tax Reduction) 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.

- 30.6 Subject to paragraph 30.7, 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.
- 30.7 Paragraph 30.6 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.
- 30.8 In paragraph 30.7 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.
- 30.9 Where an applicant is treated as possessing any income, 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.
- 30.10 Where an applicant is treated as possessing any earnings, 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 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 or in the case of a Scottish taxpayer, the Scottish 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.
- 30.11 the foregoing paragraphs 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 or an applicant participating as a service user

Sections 31 – 40 & Schedule 4

Definition and the treatment of capital for Council Tax Reduction purposes

31.0 Capital limit

31.1 For the purposes of this scheme, the prescribed amount is £10,000 and no reduction shall be granted when the applicant has an amount greater than this level.

32.0 Calculation of capital

32.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (32.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 34 (income treated as capital).

32.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (32.1), any capital, where applicable, specified in Schedule 4.

33.0 Disregard of capital of child and young person

33.1 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.

34.0 Income treated as capital

34.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.

34.2 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.

34.3 Any holiday pay which is not earnings shall be treated as capital.

34.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 4, 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.

34.5 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.

34.6 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.

34.7 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.

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

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

35.0 Calculation of capital in the United Kingdom

35.1 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;

36.0 Calculation of capital outside the United Kingdom

36.1 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.

37.0 Notional capital

37.1 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 38 (diminishing notional capital rule).

37.2 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 4; 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 4 (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 4 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.

37.3 Any payment of capital, other than a payment of capital specified in paragraph (37.4), made

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

37.4 Paragraph 37.3 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;
- (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
- (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (c) 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.

37.5 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 32 (calculation of capital) be disregarded; and
- (b) he shall, subject to paragraph 37.6, 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.

37.6 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 37.5 shall be disregarded.

37.7 Where an applicant is treated as possessing capital under any of paragraphs 37.1 to 37.2 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.

38.0 Diminishing notional capital rule

38.1 Where an applicant is treated as possessing capital under section 37.1 (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 38.2 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 38.3;
- (b) in the case of a week in respect of which paragraph 38.1(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 38.4 is satisfied, shall be reduced by the amount determined under paragraph 38.4.

38.2 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 37.1, he would have received an additional amount of Council Tax Reduction in that week.

38.3 In a case to which paragraph 38.2 applies, the amount of the reduction for the purposes of paragraph 38.1(a) shall be equal to the aggregate of

- (a) the additional amount to which sub-paragraph 38.2 (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 38.2 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 38.2 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 38.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

38.4 Subject to paragraph 38.5, for the purposes of paragraph 38.1(b) the condition is that the applicant would have been entitled to Council Tax Reduction in the relevant week but for paragraph 37.1, 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 37.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of Council Tax Reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
- (c) if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub- paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph,

if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and

- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

38.5 The amount determined under paragraph 38.4 shall be re-determined under that paragraph if the applicant makes a further claim for Council Tax Reduction and the conditions in paragraph 38.6 are satisfied, and in such a case—

- a. sub-paragraphs (a) to (d) of paragraph 38.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to paragraph 38.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

38.6 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 38.5, 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 37.1.

38.7 The amount as re-determined pursuant to paragraph 38.5 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.

38.8 For the purposes of this section

- (a) 'part-week'
 - (i) in paragraph 38.4(a) means a period of less than a week for which Council Tax Reduction is allowed;
 - (ii) in paragraph 38.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 38.4 (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 37.1
 - (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.

39.0 Capital jointly held

- 39.1 Except where an applicant possesses capital which is disregarded under paragraph 37(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.

40.0 Tariff income from Capital

- 40.1 The capital of an applicant who is not a pensioner, calculated in accordance with this part, is to be treated as if it were a weekly income of—
- (a) £1 for each £250 in excess of £6,000 but not exceeding £10,000;
 - (b) £1 for any excess which is not a complete £250

Sections 41 - 56

Definition and the treatment of students for Council Tax Reduction purposes⁵

⁵ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

41.0 Student related definitions

41.1 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 Schedule 3 or Schedule 4 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

- 41.2 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.
- 41.3 For the purposes of sub-paragraph (a) of paragraph 41.2, 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.

42.0 Treatment of students

42.1 The following sections relate to students who claim Council Tax Reduction

43.0 Students who are excluded from entitlement to Council Tax Reduction

43.1 Students (except those specified in paragraph 43.3) are not able to claim Council Tax Reduction under Classes D of the Council's reduction scheme.

43.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

43.3 Paragraph 43.2 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) **but for the implementation of this scheme**, whose applicable amount would, but for this section, include the disability premium or severe disability premium;

(d) **but for the implementation of this scheme**, 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

ii) aged 21 and attained that age during a course of study which is not a course of higher education – this condition needs adding

iii) 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.

Paragraph 43.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21

43.4 For the purposes of paragraph 43.3, once paragraph 43.3(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.

43.5 In paragraph 43.3(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.

43.6 A full-time student to whom sub-paragraph (i) of paragraph 43.3 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.

43.7 Paragraph 43.2 shall not apply to a full-time student for the period specified in paragraph 43.8 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 43.8.

43.8 The period specified for the purposes of paragraph 43.7 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.

44.0 Calculation of grant income

44.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 44.2 and 44.3, be the whole of his grant income.

44.2 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 , **but for the implementation of this scheme**, 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 childcare costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 44.3 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).
- 44.4 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.
- 44.5 Subject to paragraphs 44.6 and 44.7, a student’s grant income shall be apportioned;
- (a) subject to paragraph 44.8, 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.
- 44.6 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.
- 44.7 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 44.6 nor section 48 (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.
- 44.8 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.

45.0 Calculation of covenant income where a contribution is assessed

45.1 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 45.3, the amount of the contribution.

45.2 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 45.1 by 52 or 53, whichever is reasonable in the circumstances; and
(b) by disregarding from the resulting amount, £5.

45.3 For the purposes of paragraph 45.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 44.2(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).

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

46.1 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 44.2 (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 44.2(f) and 44.3 (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.

46.2 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 46.1, 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 44.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 46.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 44.2(f) and (g) and 44.3.

47.0 Student Covenant Income and Grant income – non disregard

47.1 No part of a student's covenant income or grant income shall be disregarded Schedule 3 to this scheme

48.0 Other amounts to be disregarded

48.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 49, any amounts intended for any expenditure specified in paragraph 44.2 (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 44.2 or 44.3, 45.3, 46.1(a) or (c) or calculation of grant income, covenant income and treatment of student loans on like expenditure.

49.0 Treatment of student loans

49.1 A student loan shall be treated as income.

50.0 Calculating loan Income weekly

50.1 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.

50.2 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.

50.3 Where a student is treated as possessing a student loan, the amount of the student loan to be

taken into account as income shall be, subject to paragraph 50.4

(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.

50.4 There shall be deducted from the amount of income taken into account

(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).

51.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

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

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

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

a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and

b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

52.4 Where a payment from access funds is made—

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

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

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

Sections 57 – 59

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 is the lower of:

- (a) The amount set by the 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; or
- (b) The amount set by the authority as the council tax for the relevant financial year in respect of a Band D dwelling in the area for which the person is resident subject to any discount which would have been appropriate to the dwelling which the person is resident: and

B is the number of days in that financial year, less any deductions in respect of non-dependants

The Band D restriction shall not apply for the first 13 weeks of any new claim providing no claim for reduction has been made in the last 52 weeks.

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 43.2 (students who are excluded from entitlement to Council Tax Reduction) applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

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

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are in respect of a non-dependant aged 18 or over, £10.00 x 1/7;

58.2 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 of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,
- the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

58.3 No deduction is to 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 10 of Schedule 3 (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 SSCBA; 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 SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
- (iii) 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); or
- (iv) 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.

58.4 No deduction is to 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 youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of Part 11 (students); or
- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) “patient” has the meaning given in paragraph 19(6), 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 is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

58.5 No deduction is to 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 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

58.6 In the application of sub-paragraph (2) there is to be disregarded from the non-dependant’s weekly gross income—

- (a) any attendance allowance, disability living allowance, 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 paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

59.0 Extended reductions

59.1 An applicant who is entitled to council tax support (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.

59.2 For the purpose of paragraph 59.1(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.

59.3 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.

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

- (a) the applicant ceased to be entitled to council tax support 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 59.1(b).

59.5 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.

59A.0 Duration of extended reduction period

59A.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.

59A.2 For the purpose of paragraph (59A.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.

59A.3 The extended reduction period ends;

- (a) at the end of a period of four 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.

59B.0 Amount of extended reduction

59B.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 support 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 support 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 support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

59B.2 Paragraph 59B.1 does not apply in the case of a mover.

59B.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 support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

59C.0 Extended reductions – movers

59C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

59C.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 support 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.

59C.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.

59C.4 Where–

- (a) a mover, or the mover's partner, makes a claim for council tax support 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 support 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.

59D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement

59D.1 Where an applicant's council tax support 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.

59D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 59B.1(a) or 59C.2 (amount of extended reduction – movers).

59E.0 Extended reductions (qualifying contributory benefits)

59E.1 An applicant who is entitled to council tax support (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.

59E.2 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where;

- (a) the applicant ceased to be entitled to council tax support 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 59E.1(b).

59F.0 Duration of extended reduction period (qualifying contributory benefits)

59F.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.

59F.2 For the purpose of paragraph 59F.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.

59F.3 The extended reduction period ends;

- (a) at the end of a period of four 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.

59G.0 Amount of extended reduction (qualifying contributory benefits)

59G.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 support 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 support 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 support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

59G .2 Paragraph 59G.1 does not apply in the case of a mover.

59G.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 support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

59H.0 Extended reductions (qualifying contributory benefits) – movers

59H.1 This section applies;

- (a) to a mover; and
(b) from the Monday following the day of the move.

59H.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 support 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.

59H.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.

59H.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support 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 support 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.

59I.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

59I.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 59I.1 (b), that award will not cease until the end of the extended reduction period.

59I.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 59G.1(a) or 59G.2 (amount of extended reduction– movers).

59J.0 Extended reductions: movers into the authority's area

59J.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 Council Tax Reduction scheme by the amount of that extended reduction.

Sections 60 – 61

Dates on which entitlement and changes of circumstances are to take effect

60.0 Date on which entitlement is to begin

60.1 Subject to paragraph 60.2, 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 day the application is made or deemed to have been made.

60.2 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.

61.0 Date on which change of circumstances is to take effect

61.1 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 day 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.

61.2 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.

61.3 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.

61.4 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.

61.5 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.

61.6 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.

61.7 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.

61.8 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 62– 70

Claiming and the treatment of claims for Council Tax Reduction purposes

62.0 Making an application⁶

- 62.1 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.
- 62.2 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.
- 62.3 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.
- 62.4 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).
- 62.5 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).
- 62.6 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.
- 62.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

63.0 Procedure by which a person may apply for a reduction under the authority's scheme⁷

63.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

63.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 88 -96 of this scheme, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

63.3 (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.

63.4 (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.

63.5 (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.

63.6. 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.

63.7 (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.

63.8 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.

63.9 The authority may use any information received from the Department for Work and Pensions in respect of Universal Credit as a claim for reduction.

⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

64.0 Backdating

64.1 Where an applicant who is a person who is not a pensioner—
(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 64.2

64.2 That date is the latest of—
(a) the first day from which the applicant had continuous good cause;
(b) the day 1 month (or 3 months in exceptional circumstances) before the date the application was made;
(c) the day 1 month (or 3 months in exceptional circumstances) before the date when the applicant requested that the application should include a past period

65.0 Date on which an application is made

65.1 Subject to sub-paragraph (7), the date on which an application is made is;
(a) in a case where;
(i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
(ii) the application is made within one calendar 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;
(b) in a case where;
(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
(iii) the application is received at the designated office within one calendar month of the date of the change,
the date on which the change takes place;
(c) 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 calendar month of the date of the death or the separation,
the date of the death or separation;
(d) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one calendar 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;
(e) in any other case, the date on which an application is received at the designated office.

65.2 For the purposes only of sub-paragraph (1)(a) 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.

- 65.3 Where there is a defect in an application by telephone;
- (a) is corrected within one calendar 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 calendar 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.
- 65.4 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.
- 65.5 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 calendar 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 calendar 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 calendar 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 calendar month of the request or within such longer period as the authority considers reasonable.
- 65.6 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.
- 65.7 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.

66.0 Submission of evidence electronically

66.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

67.0 Use of telephone provided evidence

67.1 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

68.0 Information and evidence⁸

68.1 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.

68.2 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.

68.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

68.4 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 calendar month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

68.5 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.

68.6 Where the authority makes a request under sub-paragraph (4), it must;

⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under 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; 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.

- 68.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under Schedule 4, other than a payment under the Independent Living Fund (2006).
- 68.8 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.

69.0 Amendment and withdrawal of application⁹

- 69.1 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.
- 69.2 Where the application was made by telephone the amendment may also be made by telephone.
- 69.3 Any application amended is to be treated as if it had been amended in the first instance.
- 69.4 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.
- 69.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 69.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 69.7 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.

70.0 Duty to notify changes of circumstances¹⁰

- 70.1 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

⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

receipt of such a reduction.

- 70.2 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.
- 70.3 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.
- 70.4 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.
- 70.5 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.

Sections 71- 78

Decisions, decision notices and awards of Council Tax Reduction

71.0 Decisions by the authority¹¹

71.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

72.0 Notification of decision¹²

72.1 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.

72.2 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.

72.3 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.

72.4 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.

72.5 A person affected to whom the authority sends or delivers a notification of decision may, within one calendar 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.

72.6 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.

72.7 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).

72.8 This sub-paragraph applies to—

(a) the applicant;

(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;

(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or

¹¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

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

73.0 Time and manner of granting Council Tax Reduction¹³

73.1 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.

73.2 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).

73.3 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.

73.4 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).

74.0 Persons to whom reduction is to be paid¹⁴

74.1 Subject to payment on death and paragraph (2), any payment of the amount of a reduction

¹³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

must be made to that person.

74.2 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.

75.0 Shortfall in reduction¹⁵

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

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

76.0 Payment on the death of the person entitled¹⁶

76.1 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.

77.0 Offsetting

77.1 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.

78.0 Payment where there is joint and several liability¹⁷

78.1 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.

78.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

¹⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁷ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

78.3 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 or is treated as having been so appointed, the amount of the reduction may be paid to that person.

Sections 79 – 82

Collection, holding and forwarding of information for Council Tax Reduction purposes

79.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

79.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

79.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements¹⁸.

80.0 Collection of information

80.1 The authority may receive and obtain information and evidence relating to claims for Council Tax Reduction, the council may receive or obtain the information or evidence from—

- (a) persons making claims for Council Tax Reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

80.2 The authority may verify relevant information supplied to, or obtained.

81.0 Recording and holding information

81.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering Council Tax Reduction.

82.0 Forwarding of information

82.1 The authority may forward it to the person or authority for the time being administering claims to or awards of Council Tax Reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to Council Tax Reduction.

¹⁸ Data Retention and Investigatory Powers Act 2014, Data Retention Regulations 2014 and The Regulation of Investigatory Powers (Acquisition and Disclosure of Communications Data: Code of Practice) Order 2015

Sections 83 – 85

Revisions, Written Statements, Termination of Council Tax Reduction

83.0 Persons affected by Decisions

83.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- (a) an applicant;
- (b) in the case of a person who is liable to make payments 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 or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments 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 under this scheme;

84.0 Revisions of Decisions

84.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one calendar month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

84.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one calendar month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

85.0 Terminations

85.1 The authority may terminate support in whole or in part the Council Tax Reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council Tax Reduction are or were fulfilled; or
- (b) a decision as to an award of such a support should be revised or superseded.

85.2 The authority may terminate, in whole or in part the Council Tax Reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council Tax Reduction are or were fulfilled; or
- (b) a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 86

Appeals against the authority's decisions

86.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁹

- 86.1 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.
- 86.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the grievance 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.
- 86.3 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 Act²⁰.

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

²⁰ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

Section 87

Procedure for applying for a discretionary reduction

87.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act²¹ and Discretionary Relief Scheme.

- 87.1 Where an application to the authority is made under the Discretionary Relief Scheme, it shall be determined in accordance with the policy of the authority for that year and 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.
- 87.2 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).
- 87.3 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.
- 87.4 Where the authority has determined any additional entitlement under the Discretionary Relief Scheme it shall be treated as an amount under section 13A(1)(a) of the 1992 Act.

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

Section 88 – 96²²

Electronic Communication

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

88.0 Interpretation

88.1 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.

89.0 Conditions for the use of electronic communication

89.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme including any or all information received via DWP or HMRC.

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

89.3 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.

89.4 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.

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

89.6 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.

89.7 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.

90.0 Approval

90.1 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.

91.0 Use of intermediaries

91.1 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.

92.0 Effect of delivering information by means of electronic communication

92.1 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.

92.2 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).

92.3 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.

93.0 Proof of identity of sender or recipient of information

93.1 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.

94.0 Proof of delivery of information

94.1 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.

94.2 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.

94.3 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.

95.0 Proof of content of information

95.1 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.

96.0 Data Protection and consent

96.1 Any application for reduction and associated evidence shall be subject to existing Data Protection rules and requirements.

Section 97
Counter Fraud and Compliance

97.0 Counter Fraud and compliance

- 97.1 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
- 97.2 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.
- 97.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 97.1 and 97.2 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

**Calculation of the amount of Council Tax Reduction in accordance with the
Discount Scheme**

- 1 The authority's Council Tax Reduction scheme from 2020/21 shall be calculated on the basis of the following Banded Discount Scheme:

Bands	Band 1	Band 2	Band 3	Band 4	Band 5
	80% Discount	65% Discount	50% Discount	35% Discount	20% Discount
Single	£0.00 – £87.20	£87.21 – £130.80	£130.81 – £174.40	£174.41 – £218.00	£218.01 – £261.60
Couple	£0.00 – £122.20	£122.21 – £170.80	£170.81 – £214.40	£214.41 – £258.00	£258.01 – £301.60
Lone Parent with 1 child	£0.00 – £137.20	£137.21 – £180.80	£180.81 – £224.40	£224.41 – £268.00	£268.01 – £311.60
Couple with 1 child	£0.00 – £177.20	£177.21 – £220.80	£220.81 – £264.40	£264.41 – £308.00	£308.01 – £351.60
Lone parent with 2+ children	£0.00 – £187.20	£187.21 – £230.80	£230.81 – £274.40	£274.41 – £318.00	£318.01 – £361.60
*Couple with 2+ children	£0.00 – £227.20	£227.21 – £270.80	£270.81 – £314.40	£314.41 – £358.00	£358.01 – £401.60
Bands	Band 1	Band 2	Band 3	Band 4	Band 5
	90% Discount	75% Discount	60% Discount	45% Discount	30% Discount
*Disabled/Carer claimants	£0.00 – £227.20	£227.21 – £270.80	£270.81 – £314.40	£314.41 – £358.00	£358.01 – £401.60

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme
 - The income of the applicant as defined within this scheme;
 - The capital of the applicant as defined within this scheme.
- 4 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 5 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, It should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 6 Any applicant who capital is greater than £10,000 shall not be entitled to any Council Tax Reductions whatsoever.
7. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by an amount representing the increase in the National Living Wage.
8. Where an applicant or partner is in receipt of a 'relevant benefit' namely Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.
9. A disabled or carer household is where an applicant or partner would, **but for the operation of this scheme** be entitled to receive a Disability Premium or Carer Premium.

Schedule 2

Sums to be disregarded in the calculation of earnings

1. There shall be disregarded from an applicant's net earnings, £25 per week (the standard earnings disregard). This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.

Schedule 3

Sums to be disregarded in the calculation of income other than earnings²³

²³ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 28 (calculation of income other than earnings).
2. Any payment made to the applicant 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.
3. 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 or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
4. 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 30.0 (notional income).
5. Any payment in respect of expenses arising out of the applicant's participation in a service user group or where the applicant is participating as a service user.
6. 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.
7. 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.
8. 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.
9. 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.
10. Any disability living allowance, personal independence payment or AFIP.
11. Carers Allowance or any Universal Credit Carers Element
12. Any Windrush compensation payment
13. 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.
14. 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.
15. Any attendance allowance.

16. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
17. (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).
18. 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.
- 19 (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.
- 20 (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.
- 21.** 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.
- 22.** 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.
- 23.** (1) Any income derived from capital to which the applicant is or is treated under section 39 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under Schedule 4.
- (2) Income derived from capital disregarded under Schedule 4 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’.
- 24.** 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.

- 25.** (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, 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.
- 26.** Any payment made to the applicant by a child or young person or a non- dependant.
- 27.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person 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.
- 28.** (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.
- 29.** (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.

- 30.** 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.
- 31.** (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) 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);
 (b) 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);
 (c) 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.
- 32.** 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).
- 33.** 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
- 34.** 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).
- 35.** (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.

- 36.** (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).
- 37.** Any payment of income which, by virtue of section 34 (income treated as capital) is to be treated as capital.
- 38.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare fund provision
- 39.** 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.
- 40.** 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 45.2(b) and paragraph 46.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 49(2) (treatment of student loans), paragraph 49(3) (treatment of payments from access funds) and paragraphs 17 shall in no case exceed £20 per week.
- 41.** (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.

- 42.** Any housing benefit or council tax benefit.
- 43.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 44.** 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.

45. 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).
46. (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).
47. 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).
48. 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.
49. (1) Where, **but for the implementation of this scheme**, 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).
50. (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.
51. 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.
52. Any guardian's allowance.

- 53.** (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.
- 54.** 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.
- 55.** 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.
- 56** (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).
- 57.** Any Council Tax Reduction or council tax benefit to which the applicant is entitled.
- 58.** 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).
- 59.** (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
- 60.** (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.

61. 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.
62. 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.
63. 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.
64. (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.
65. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017
66. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
67. Any payments made by the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017
68. Any payment of child benefit.
69. Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) *Regulations 2017*
70. £40 per week where the applicant, partner or dependant receives Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Carer's Allowance

Schedule 4
Capital to be disregarded²⁴

²⁴ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, 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.
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.
 - (4) 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 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 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 social fund payment made pursuant to Part 8 of the Act.
- 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 34 or 49 (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. Any Windrush Compensation Payment

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. 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 or Back to Work 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.
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 Schedule 3 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),but only for a period of 52 weeks from the date of receipt of the payment or repayment.
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
42. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
43. 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.

- 44.** 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.
- 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 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) 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.** 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.
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in

respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.
- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply

- for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending–
- (i) two years after that date; or
- (ii) on the day before the day on which that person–
- (aa) ceases receiving full-time education; or
- (bb) attains the age of 20,
whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant’s family who is–
- (a) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or
- (c) a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death,
but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to–
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending–
- (i) two years after that date; or
- (ii) on the day before the day on which that person
- (aa) ceases receiving full-time education; or
- (bb) attains the age of 20,
whichever is the latest.
- (5) In this paragraph, a reference to a person–
- (a) being the diagnosed person’s partner;
- (b) being a member of a diagnosed person’s family;
- (c) acting in place of the diagnosed person’s parents,
at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
‘trust payment’ means a payment under a relevant trust.

58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or

the applicant's partner's deceased spouse or deceased civil partner

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

- 58 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
59. 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).
60. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
61. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
62. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
63. Any payments made by the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017
64. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017

This page is intentionally left blank



Agenda Item No: 8
Report To: Cabinet
Date of Meeting: 30th January 2020
Report Title: Parking Charges Review
Report Author & Job Title: Alison Oates
Community Safety and Wellbeing Manager
Portfolio Holder: Vacant
Portfolio Holder for: Community Safety and Wellbeing

Summary: This report addresses car parking charges within council owned/operated car parks. Specific rates are set out within the report for individual car parks. It is to be noted that charges are reviewed on a three-yearly basis, the last increasing having taken place in 2017. The report describes the council's on-going programme of investment in our public car parks, for example, the increase in parking provision and the introduction of automatic number plate recognition (ANPR) technology. The report seeks authorisation for the Head of Community Safety, in consultation with the Portfolio Holder for Community Safety and Wellbeing, to modify charges as necessary, outside of the usual three-year review period, for example, to promote car park usage, offer discount schemes, and/or to achieve wider corporate economic, community and environmental objectives.

Key Decision: YES

Significantly Affected Wards: All

Recommendations: The Cabinet is recommended to:-

- i. **Agree an increase in on-street and off-street parking charges, from 1st April 2020, across the borough by approximately 10% on current tariffs (e.g. £1.10 to £1.20, £2.20 to £2.40 etc.) and in accordance with the specific rates detailed within the report.**
- ii. **Agree an increase in season ticket parking charges, from 1st April 2020, across the borough by approximately 10% on current tariffs and in accordance with the specific rates detailed within the report.**
- iii. **Agree an increase in resident parking charges,**

from 1st April 2020, across the borough by £5 a year and in accordance with the specific rates detailed within the report.

- iv. **Authorise the Head of Community Safety, in consultation with the Portfolio Holder for Community Safety and Wellbeing and Head of Finance, to modify charges as necessary outside of the usual three-year review period, for example, to promote car park usage, offer discount, and/or to achieve wider corporate economic, community and environmental objectives. This delegation will not permit variation to the base tariffs which will continue to be reviewed every three years and presented to cabinet for approval.**

Policy Overview: The review of parking charges is required to ensure an effective, efficient and sustainably service delivery including necessary enforcement activity. The proposed increases take into account rising costs experienced by the service.

Financial Implications: The additional income from the implementation of increased parking charges, based on current usage, will be approximately £172,000 per annum for on and off-street parking, approximately £20,000 per annum for season tickets and £3,500 from resident permits.

There are costs associated with changing the terminal parking software as a consequence of the tariff changes of approximately £200 per terminal. Based on current numbers this equals 54 terminals and therefore a total 'one off ' cost of £10,800.

Legal Implications: Legal implications relevant to car park leases and amendments to Traffic Regulation Orders are addressed within the body of the report.

Equalities Impact Assessment: Not required - The increase in charges are being applied across the borough and have an equitable impact, they are not discriminatory to any individual protected group. The policy of providing free parking¹ for blue badge holders remains unchanged.

Other Material Implications: None

Exempt from **NO**

¹ Three-hours limit for on-street parking.

Publication:

**Background
Papers:**

None

Contact:

alison.oates@ashford.gov.uk – Tel: (01233) 330225

Parking Charges Review

Introduction and Background

1. This report addresses car parking charges within the Borough with specific proposals set out concerning the increase in charges.
2. The car parking charges are reviewed every three years with the last review taking place in 2016 and those changes came into effect in April 2017.
3. The council has an important role to play in ensuring there is suitable and sufficient parking available within its town centres. While price increases are never popular, significant investment is taking place in our parking services not only in terms of increasing the number of spaces available for car parking but also terms of utilising new technology to improve our customers parking experience.

Current Position

4. There is a need to review the parking tariff charges in line with the policy that agreed by cabinet in 2016 (reference CA 090616 minutes number 25). By reviewing charges we ensure that the council's arrangements are fit for purpose, reflect costs associated with operating the service, and are supportive of wider corporate objectives.

Proposals

Recommendation (i) to increase parking charges across the borough by approximately 10% on each tariff

5. Specific recommendations for car parks are as follows:

Current tariffs in short stay car parks to be increased as follows:

Current	Proposed
£ 1.10 up to 1 hour	£ 1.20 up to 1 hour
£ 2.20 up to 2 hours	£ 2.40 up to 2 hours
£ 3.30 up to 3 hours	£ 3.60 up to 3 hours
£ 4.40 up to 4 hours	£ 4.80 up to 4 hours
£11.00 over 4 hours	£12.00 over 4 hours

6. The current tariffs for the Civic Centre/Stour Centre car park are as above with the exception of the first 2 hours which is currently set at £1.50 for visitors to the customer contact centre.
7. Since this tariff was introduced, customers who have booked appointments with the council are offered a visitor parking permit free of charge. In addition,

visitors can use the 15 minute bays, with no charge. This is useful for those dropping off documents or for quick queries with the contact centre. In light of these changes, it is proposed that this reduced tariff is removed and that all applicable areas of the Civic Centre / Stour Centre are covered by the same charges as indicated above. Those staying for up to an hour will actually be able to park more cheaply.

8. Current tariffs in long stay car parks are as above with the only exception as follows:

Current	Proposed
£5.00 over 4 hours	£5.50 over 4 hours

9. On-street charges to be increased in line with above tariffs i.e. 10p per hour or an overall approximate of 10%.
10. The increase in income for on-street parking based on current usage will be approximately £12,000 per annum. The increase in income from car parks (off-street) based on current usage will be approximately £160,000 per annum.
11. These increases keep our car parks cheaper than the tariffs of the NCP and station car parks and are comparable with neighbouring authorities.
12. The generated income will be used to improve transport provision in the area so that road users benefit, such as the introduction of ANPR in identified car parks. The ANPR solution allows customers to leave their vehicles for as long as they wish, paying for time consumed on exit. It also gives the council greater ability to move to easier and on line payment methods, as well as advanced booking.

Recommendation (ii) to increase season ticket parking charges across the borough by approximately 10% on each tariff

13. It is recommended that the cost of a season ticket be increased by 10%. The authority provides a variety of season tickets dependent on locations and/or duration. The most expensive is a 12-month town centre car parks (Ashford or Tenterden) season ticket at £760. This would be increased to £836.
14. The increase in income for season tickets based on current usage will be approximately £20,000. This ensures that we remain below the season ticket prices for the NCP and station car parks.
15. The generated income will be used to support the implementation of virtual permitting for season ticket holders which will be a significant advantage for our customer and reduce costs associated with the printing and distribution of the paper permits.

Recommendation (iii) to increase resident parking charges across the borough by £5 a year

16. It is recommended that resident permits be increased by £5 a year. The current breakdown of permits are as follows, along with the proposed increase:

Zone	Number of permits	Current annual cost £	Proposed annual cost £
Resident Permit Zone A	1	120	125
Resident Permit Zone B	86	50	55
Resident Permit Zones D,E,F,G	740	30	35

17. The increase in income for resident permits based on current usage will be approximately £3,500.
18. The generated income will again be used for the virtual permitting project.

Recommendation (iv) to enable amendment to charges between the three year period

19. It is necessary from time to time to vary charges (e.g. suspend or reduce charges) outside the usual three-year review period, for example, to promote car park usage, offer discount, and/or to achieve wider corporate economic, community and environmental objectives. ANPR technology we also will enable us to operate dynamic pricing arrangements within our car parks but clearly we could not report to cabinet every time we wanted to vary a charge. It is suggested therefore that such changes be permitted but limit the delegation in such a way as to prevent variations to the base tariffs other than via the three yearly review as and presented to cabinet for approval.
20. The delegation is to the Head of Community Safety and Wellbeing in consultation with the Portfolio Holder and Head of Finance.

Implications and Risk Assessment

21. The main risk of increasing charges is that there is a consequential decrease in car park usage. Car park charges have not however been increased for three years and the increase is modest. They are also necessary to cover the rising costs of operating our car parks and necessary to enable introduce systems such and ANPR and virtual permitting which will be welcomed by our customers.
22. There are no legal risks associated with increasing the charges. The council does not owns all if its car parks, however, our leases do not prevent tariff revision.
23. There are no staffing implications associated with the changes proposed.

Equalities Impact Assessment

24. The increase in charges are being applied across the borough and have an equitable impact, they are not discriminative to any individual or protected group.

Consultation Planned or Undertaken

25. Awareness of the changes will be communicated by a variety of means to our residents, workers and visitors to the borough.
26. There are refund arrangements in place for Stour Centre and Tenterden Leisure Centre users. Both trusts have been advised of the proposed increases.
27. It is stressed that the off-street car parking proposals only relate to council run car parks. The Council does not set the charges in car parks run by other operators or private car parks.

Other Options Considered

28. The options that have been considered are detailed in the report. There is an option to maintain the current charging tariffs. This does not, however, enable the council to cover the increase in costs associated with its parking service or facilitate improvements in both the quantity and quality of our parking offer.

Reasons for Supporting Option Recommended

29. The recommendation to review the charges is in accordance with the policy agreed in 2016. The proposed increases are in line with the increased costs of maintaining our car parks and providing suitable on-street provision. The increase charges will support the council's on-going desire to expand and modernise its parking offer for customers.

Next Steps in Process

30. It is anticipated that the recommendations would be implemented in accordance with the following timescale:
 - The proposed changes will require amendment to Traffic Regulation Orders and this will take place in accordance with statutory procedures.
 - Increase tariffs on parking charges as detailed within the report with effect from 1st April 2020.

31. By the time of the next parking charges review the service will have reviewed several other parking issues including:
 - Potential diesel surcharges in support of the 2030 carbon neutrality targets
 - Introducing electric vehicle discounts in car parks initially
 - Modifying payment options to encourage cashless transactions
 - Reviewing season ticket holders and incentives
32. Any significant changes would be the subject of further reports to cabinet.

Conclusion

33. The Cabinet are requested to support the recommendation to increase parking charges and the proposed delegation.

Contact and Email

34. Alison Oates – Community Safety and Wellbeing Manager
35. alison.oates@ashford.gov.uk



Agenda Item No: 9
Report To: Cabinet
Date of Meeting: 30th January 2020
Report Title: Continuation of Planned Refugee Resettlement Beyond End of Current Vulnerable Persons Resettlement Scheme
Report Author & Job Title: Anne Forbes
Refugee Resettlement Coordinator
Portfolio Holder Cllr. Bill Barrett
Portfolio Holder for: Housing

Summary:

In October 2015 members approved the planned resettlement of up to 250 of the most vulnerable refugees from Syria in Ashford under the Government's Vulnerable Persons Resettlement Scheme (VPRS) up to 2020.

On June 17th 2019, following the success of the scheme nationally, the Government announced the amalgamation of all current planned refugee resettlement schemes into one scheme to continue beyond 2020. This will be called the Global Resettlement Scheme (GRS).

Ashford has achieved considerable success in supporting refugees into employment and continues to work with partners and potential employers to improve prospects. Around 40% of those available to work have secured paid employment. Nationally the figures reported for employment are 3% and regionally 11%.

This report gives an overview of the VPRS nationally and locally and describes Ashford Borough Council's plans to continue to play its part in the national commitment to planned refugee resettlement under GRS.

Key Decision: YES

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- I. Note the success of the current VPRS to date.
- II. Extend planned resettlement of refugees in Ashford to offer new lives to up to 50 people (approximately 10 families) each year under GRS subject to availability of suitable private rented property.
- III. To support continuing development of projects and infrastructure to promote and enable successful integration and promote community cohesion to benefit the wider Ashford community.
- IV. To delegate authority to agree the details of the delivery of the scheme beyond 2020 to the Head of Housing in consultation with the Portfolio Holder for Housing, with further reports/information being circulated to Members at appropriate points.

Policy Overview:	Living Ashford: quality housing and homes for all
Financial Implications:	None to the Authority. The scheme is fully funded by guaranteed grant funding claimed through the Home Office Resettlement Team.
Legal Implications	None
Equalities Impact Assessment	YES see appendix A to this report
Other Material Implications:	None
Exempt from Publication:	No
Background Papers:	None
Contact:	anne.forbes@ashford.gov.uk – Tel: (01233) 330826

Report Title: Continuation of Planned Refugee Resettlement beyond End of Current Vulnerable Persons Resettlement Scheme

Introduction and Background

1. On 8th October 2015 members approved the planned resettlement of up to 250 of the most vulnerable refugees from Syria in Ashford. This formed part of the Government's Vulnerable Persons Resettlement Scheme (VPRS) up to 2020.
2. The council began preparing for its involvement in this project in September 2015, ahead of its anticipated participation which had to be ratified by Cabinet members. A dedicated council officer was put in place to co-ordinate matters and work with the families and their immediate support networks. As more families have arrived, the team has expanded to include the co-ordinator and additional front line support staff. Consideration is being given to the benefits of employing an Arabic speaking member of the team to further enhance and accelerate the integration process and allow reduction in the current expenditure on interpretation services.
3. The council's excellent rapport with its public and private sector partners ensured that mechanisms were swiftly put in place to ensure timely engagement with statutory services including provision of school places, registration with GPs, access to other healthcare provision including dentists and opticians and access to other community support appropriate for each family.
4. Ashford Borough Council made the decision not use any social housing for arriving families so that there would be no impact on applicants to the Housing Waiting List. This was made possible through A Better Choice for Lettings, the Council's own 'social lettings agency' service and excellent rapport with both private landlords and the voluntary sector across the Borough.
5. The first three families arrived In Ashford in December 2015 at the height of the media's interest in the resettlement scheme. Given the stance taken by Ashford Borough Council, we received a lot of media interest and while the refugees indicated to us that they did not wish to engage in interviews with reporters, the council's marketing and communications team were able to put forward private landlords, volunteers and councillors to talk about how the borough had been preparing for the arrival of the first families.
6. Individuals identified by the United Nations Commissioner for Refugees (UNHCR) via this scheme for third country resettlement in the UK often present signs of trauma and Post Traumatic Stress Disorder (PTSD), anxiety following family separation and other health needs following their time in exile living in extremely difficult circumstances. Fundamentally, the scheme supports the transitional needs of the resettled person and removes barriers to help them access national and local services in order to fully and permanently integrate into UK society. We, along with partner agencies, work to empower individuals to achieve their full potential and meet their responsibilities as members of British society.
7. The most recent arrivals in October 2019 brought the total number of families resettled through Ashford to 34 (146 individuals with a further 13 children having been born since the families arrived).

8. On June 17th 2019, following the success of the scheme nationally, the Government announced the amalgamation of all current national planned refugee resettlement schemes into one scheme to continue beyond 2020. This will be called the Global Resettlement Scheme (GRS). [Immigration: Written Statement HCWS1627 (Commons) and HLWS1589(Lords)]
9. This report gives an overview of the VPRS nationally and locally and describes Ashford Borough Council's plans to continue to play its part in the national commitment to planned refugee resettlement under GRS.

Proposal/Current Position

10. Since December 2015 ABC has welcomed and resettled 34 refugee families under the VPRS equating to 8.5 families per year.
11. In September 2016 ABC identified the need for adults to be able to access additional language and integration training beyond the prescribed 8 hours per week of English Speakers of Other Languages (ESOL) provision. In partnership with an Ashford based training company, Concept Training, a programme to support refugees to gain skills needed to access employment opportunities and integrate fully into the community was launched. The programme, Language and Integration Skills Training (LIST) has been recognised nationally as good practice and has been adopted by other local authorities.
12. All children from nursery age to 16 years attend a variety of schools across the Borough. Adults access English classes through Adult Education, college courses or Concept Training according to their abilities and preference.
13. There remains a challenge in securing learning opportunities for refugees aged 16-19 across the whole of Kent. In Ashford we have developed a programme to enable this age group to fast track progress in English, maths and IT skills allowing them to access college courses of their choice as soon as possible after arrival. The situation has improved vastly since September 2017 with the introduction of new courses for this age group at Ashford College. We continue to work with education partners to increase choice and opportunities still further.
14. Ashford has been extremely successful in supporting refugees into employment. More than half the families now have at least one family member in paid employment. Of those refugees currently available for work more than 40% have secured paid employment with the rest undertaking volunteering and work experience. This is much higher than the figures quoted nationally (3%) or regionally (11%). See attached overview and case studies (Appendix B).
15. Ashford's success in providing support for refugees to resettle and rebuild new lives in the borough has been recognised regionally and nationally and good practice acknowledged with various awards.
16. Ashford is approached regularly by other authorities seeking advice on various aspects of resettlement. The project co-ordinator received a British Empire Medal in the 2018 New Year's Honours List. The programme was awarded "Outstanding Achievement in Housing" at the 2018 Kent Housing Group and Kent Joint Policy and Planning Board for Housing Excellence Awards in 2018. Community and arts projects continue to receive positive coverage in the media. Most recently the programme has been shortlisted for a national LGC (Local Government Chronical) Award, results to be announced in March 2020.

17. Under GRS the UK will accept approximately 5000 of the most vulnerable refugees each year. Refugees assessed by United Nations Commissioner for Refugees (UNHCR) as those for whom third country resettlement is the only viable option can be referred by UNHCR to the UK GRS for consideration. Refugees accepted to the UK under GRS will then be allocated by the Home Office Resettlement Team via regional Migration Partnerships to participating local authorities who have accommodation available to meet their needs.
18. As with VPRS, participation in the GRS on the part of local authorities is voluntary. The funding available to local authorities to run GRS is the same as VPRS. Authorities will be able to state the language/origin of refugees they feel best placed to support.
19. Kent has already indicated commitment to continue with resettlement in the other districts and boroughs as has Canterbury City Council (the only other Kent area directly managing their scheme locally).
20. The proposal is for Ashford to continue to welcome vulnerable families under the Government's GRS Scheme from 2020. New homes and futures would be offered to up to 10 households per year subject to suitable properties being available in the private rented sector.

Implications and Risk Assessment

21. Financially, the funding from the Home Office (central government) in support of our work on SVPR means we have experienced no risk in this regard. Since grant funding claimable under GRS is identical to that received under the current VPRS there should be no financial risk for continuation of planned refugee resettlement in the Borough. However, it is important to continue to monitor proposals for any changes to funding or cessation of the GRS due to any change in policy or central government commitment, and adapt the Borough response accordingly.
22. Refugees resettled under GRS can be referred to the scheme by UNHCR from anywhere in the world. However, indications are that the majority (95%+) of refugees referred to the UK in the foreseeable future will originate from Syria and be located somewhere in the Middle East and North Africa (MENA) region. It is important to note that participating LAs can request referral of refugees from cultural backgrounds they are best placed to support. Therefore we are proposing to continue to support families with Syrian origin as we have existing infrastructure in place to best support successful resettlement.
23. Ashford has developed a strong infrastructure and network of support for refugees during delivery of VPRS since 2015. The model is adaptable to provide support for any vulnerable group arriving or already resident in the Borough in the future.

Equalities Impact Assessment

24. Members are referred to the attached Assessment.

Consultation Planned or Undertaken

25. ABC continues to work closely with the Home Office, South East Strategic Partnership for Migration (SESPM), Kent County Council (for education and social care), the Department for Work and Pensions (DWP) and the NHS to ensure timely provision of services for arriving refugees.

26. In addition to statutory services ABC continues to work closely with third sector, voluntary, faith and community groups to enable effective community involvement and promote integration of arriving refugees into their new communities.

Other Options Considered

27. To end planned refugee resettlement in Ashford under VPRS when it ends in 2020 and wind down existing support to end in 2024.

Reasons for Supporting Option Recommended

28. Ashford has proven to be innovative and forward thinking in developing a programme to support effective resettlement and integration of refugees in the community. Running the programme has brought resources to the Borough which it would not otherwise be able to access.
29. Ashford has developed a strong infrastructure and network of support for refugees, which supports broader community cohesion objectives and community involvement and participation. The model is adaptable to provide support for any vulnerable group arriving or already resident in the Borough in the future.

Conclusion

30. Ashford remains well placed to continue to provide an important role in the resettlement of some of the most vulnerable refugees into new communities. There is a desire to continue planned refugee resettlement in Ashford under the Government's extension of VPRS into the GRS from 2020 and offer new homes for up to 10 families per year subject to availability of suitable properties in the private rented sector.

Portfolio Holder's Views

31. I am pleased to support the continuation of planned refugee resettlement in the Borough, building on the huge amount of experience and expertise developed within the Authority since 2015.
32. I acknowledge the enormous difference we are making to the lives of some of those most affected by the global refugee crisis. It is important that we continue this good work and I fully support our continuing efforts to provide this level of assistance, welcoming vulnerable families into our communities.
33. I thank all those private landlords who have already helped, and would also like to encourage others to offer suitable properties they may have in support of this project.
34. The continuing support from the residents of Ashford, third sector and voluntary organisations and community and faith groups continues to be key to enabling successful integration. The response has been humbling and heart-warming and I am confident that these strong community bonds will continue to develop.

Contact and Email

35. Anne Forbes
36. anne.forbes@ashford.gov.uk



ASHFORD
BOROUGH COUNCIL

Impact Assessment

When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment.

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Continuation of Planned Refugee Resettlement Beyond End of Current Vulnerable Persons Resettlement Scheme
1.2 Service / Department	Housing
1.3 Head of Service	Sharon Williams
1.4 Assessment Lead Officer	Anne Forbes
1.5 Date of Assessment	30 th December 2019
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Existing policy and practice

2. What is Being Assessed?	
2.1 What are the aims of this project, policy, procedure, practice or issue?	To support the resettlement of vulnerable refugees into the community
2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?	Refugees coming to the Borough under UK Government resettlement schemes and supporting wider community cohesion.
2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies	
- within Ashford BC	Refugee Resettlement Team - Housing
- from other agencies	Home Office – funding and national policy and practice development and dissemination. South East Strategic Partnership for Migration (SESPM) – regional coordination, sharing of good practice locally, regionally and nationally, personnel education and training, refugee participation. Kent County Council (access to Education and Social Care) Education and training providers (Adult Ed, Colleges, Concept Training) CCG and Local Health Trusts (access to healthcare) Private sector landlords NGOs (AVC) Community and Faith Groups

3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age Disability Gender reassignment Marriage and
civil partnership Pregnancy and maternity

Race Religion and belief Sex Sexual orientation

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?

Impact Factors:				
Age (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Age range of those currently supported is from birth to 66
Disability (please detail any specific groups considered)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage / Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race (please detail any specific groups considered)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thus far all people helped have been Syrian nationals. All have identified themselves as Muslim (practicing or non-practicing) with the exception of one multi-faith family.
Religion / Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See above
Sexual Orientation (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

5. Conclusions	
5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If "yes" please state how?	<input checked="" type="checkbox"/> Yes – a key part of the programme has been to help integrate these refugees into their new communities <input type="checkbox"/> No
5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups <u>fairly</u> (bearing in mind "fairly" may mean differently) and that no further amendment is required?	<input checked="" type="checkbox"/> Yes – although getting more support than other non-refugee groups this reflects the desperate situations they are fleeing. <input type="checkbox"/> No
If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form	

6. Monitoring and Review	
How will monitoring of this policy, procedure or practice be reported (where appropriate)?	Regular reports to Cabinet and on-going monitoring of central government policy and funding in support of the GRS.
When is it proposed to next review the project, policy, procedure, practice or issue?	December 2020

Appendix B

Employment Overview and Case Study

When the first families arrived in Ashford in December 2015 and January 2016 it became immediately apparent that the biggest barrier to employment would be their lack of English. The requirement under the Home Office Funding Instructions and Guidance at that time was to ensure availability of 4 hours of English learning per week (this was revised in 2017 to 8 hours per week) for working age refugees. The feedback from the arriving refugees was that this was not enough. When, in April 2016, a family arrived who already spoke English and the head of household secured employment within two weeks of arrival this had a devastating effect on the mental wellbeing of those who had arrived previously. They felt that they were failing and started to lose hope of ever finding employment.

As a result Ashford committed to accelerating the process of English learning and include language specific to the requirements of the workplace. Working with Concept Training (an Ashford based training provider) the LIST (Language and Integration Skills Training) Programme started to be developed and delivery began in September 2016. Very quickly individuals started to undertake work experience and take up volunteering opportunities. They were able to build their CVs and have realistic prospects of gaining paid employment whilst continuing English learning and updating skills or gaining new qualifications. The flexibility of the LIST programme to cater for individual learning needs has been key as has the delivery of learning opportunities to fit in with paid employment, work experience and volunteering. Working alongside Ashford Volunteer Centre, the ABC Resettlement Team and Concept Training we are working to maximise opportunities for people to gain experience and language skills allowing them to transition into paid employment as soon as possible.

Paid employment secured to date includes bespoke wheel chroming and painting, book keeping, barbering, plumbing, catering, driving, working in the retail industry, factory work and agricultural and horticultural work.

Volunteering jobs vary from working in charity shops and at the food bank to working with Kent Wildlife Trust and other voluntary organisations. Work experience opportunities have been secured in a variety of sectors.

Case Study

Ahmad arrived in the UK in January 2016 with his family aged 18. He spoke very little English beyond basic greetings. He attended English classes through Adult Education but found it difficult being in a class of older adults and was impatient to learn more quickly. He attended the Prince's Trust "Team" course for young people and progressed within 12 weeks to being able to deliver a presentation, along with his "Team" mates, describing their experiences. Ahmad then attended college to further improve his English and other skills. He returned to the Prince's Trust to mentor other refugees accessing "Team" as well as volunteering at Sk8side Youth Club and finding part time work to help support his family. He is currently working part time while taking a Level 3 course in Public Services Interpreting which he will complete next month.

This page is intentionally left blank

Joint Transportation Board

Minutes of a Meeting of the Joint Transportation Board held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **10th December 2019**.

Present:

Cllr. B Heyes (Chairman);
Mr P W Bartlett (Vice-Chairman);

Cllrs. Feacey, Forest, T Heyes, Smith, Ward
Mr M J Angell, Mrs C L Bell, Mr D Farrell, Mr P M Hill, Mr S J G Koowaree, Mr C Simkins

Mr. K Ashby – KALC Representative.

In accordance with Procedure Rule 1.2 (c) Councillors Feacey and Smith attended as Substitute Members for Councillors Burgess and Michael respectively.

Apologies:

Cllrs. Burgess, Krause, Michael.

Also Present:

Cllr. White.

Ashford District Manager – (KCC), Rail Project Manager – (KCC), Community Safety and Wellbeing Manager – (ABC), Parking, Highways and Transportation Team Leader – (ABC), Parking, Highways and Transportation Technical Officer - (ABC), Economic Development Manager – (ABC), Member Services Liaison Manager – (ABC).

233 Declarations of Interest

Mr Bartlett	Made a 'Voluntary Announcement' as he lived close to Junctions 10 and 10A of the M20.	238
-------------	---	-----

234 Minutes

Resolved:

That the Minutes of the Meeting of this Board held on the 10th September 2019 be approved and confirmed as a correct record.

235 Strategic Transport Group Notes – 20th September 2019

The Chairman of the Strategic Transport Group explained that the meeting had received presentations from a representative from Kent County Council and the Society of Motor Manufacturers and Traders on the Kent Vision for Electric Vehicle Infrastructure Growth and Air Quality and Ultra Low Emission Vehicles. He believed that the presentations had given a real insight into the future of electric vehicles.

Resolved:

That the notes of the meeting of the Strategic Transport Group held on 20th September 2019 be received and noted.

236 Parking and Waiting Restrictions – update summary

The report provided an update and summarised parking and waiting restriction schemes that had been through the Joint Transportation Board.

In response to a question about the proposal for a traffic order on cycle lanes, the Parking, Highways and Transportation Technical Officer explained that when vehicles parked in cycle lanes they could cause problems and there was therefore a need to be able to undertake civil enforcement to deal with such contraventions.

In terms of the investigations into parking controls for Crescent Way, the Parking, Highways and Transportation Technical Officer said that the Department of Transport had given consent for a sign variant which could be used in this area which would allow for minimal lining and signs within the affected streets. This was still subject to consultation. He also explained that in respect of the Notice of Variation of Charges for the Elwick Place Car Park, this related to changes to chargeable hours and the removal of the flat overnight charge.

Resolved:

That the update on schemes be noted.

237 Proposed Revisions to the Joint Transportation Board Agreement

The report set out for approval a revised JTB Agreement which was attached at Appendix 1 to the report and which had been shaped by feedback from the JTB Chair (2018), District/Borough Council Leaders, Members of KCC's Environment and Transport Committee and Kent Secretaries and the Corporate Director (Law and Governance)

The revised agreement provided for the JTB to appoint between one and three Parish/Town Council representatives from within the Council's administrative area to be nominated by the area committee of the Kent Association of Local Council's (KALC). The Board discussed this issue and agreed that the ABC Cabinet be asked to increase the representation to 3. In response to a question, the Vice Chairman advised that such representatives did not have voting rights.

Recommended:

That (i) the Cabinet be asked to agree the revised Agreement, noting that this has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and to increase the representation from KALC from 1 to 3.

(ii) subject to approval by Cabinet on 30th January 2020, the Terms of Reference of the JTB in the Constitution be amended to reflect the changes outlined in the report.

238 M20 J10A Construction Programme Update

The report advised on progress on the above scheme since the last meeting in September 2019.

The major tasks completed included:- demolition of Highfield Lane Bridge; opening of the new link road and roundabout on A2070 for traffic; Junction 10a gyratory, together with the coast bound on-slip and London bound off-slip opened for traffic and the opening of the Kingsford Street footbridge for non motorised users.

The Chairman advised that unfortunately Highways England had been unable to attend the meeting but said that if any Members of the Board had any questions or concerns over the report they could be forwarded to them after the meeting.

The Vice Chairman referred to page 41, Section E and in particular to the comment '*after Christmas, the Junction 10 coast bound exit slip road will be closed for a short period of time, to allow for the construction of large sign bases. The diversion route will be via Junction 9.*' As this slip road was in close vicinity to the William Harvey Hospital he said he had concerns over this closure and its implications for access for emergency vehicles and asked for this message to be conveyed to Highways England.

A Member referred to the current temporary 40mph in place between Barrey Road and Junction 10 and said he would like an assurance from Highways England that when the scheme was completed a permanent 40mph speed limit would be put in place between the Boulevard, Orbital Park and Junction 10.

The Chairman asked the Member Services Liaison Manager to convey the above issues to the Junction 10a team from Highways England.

JTB
101219

Resolved:

That the report be received and noted.

239 Ashford International Station and Eurostar Services

The report updated Members on the project to enable new Eurostar trains to access Ashford International Station. The Economic Development Manager advised that the installation of the new equipment had been commissioned and completed on 5th December which was 3 weeks earlier than planned and the 374 trains were now able to access the station. Following this Eurostar intended to re-introduce the third daily Paris service to and from Ashford from the start of the summer timetable on 17 May 2020.

The Rail Project Manager – (KCC) explained that from January 2020, Eurostar would sell tickets for the additional Paris service which would commence in May. Officers would also be meeting and pressing the case with Eurostar for the establishment of an additional daily service to Lille and Brussels, and in the future he hoped that other destinations might be served from Ashford. The current leisure services to Avignon would also continue.

The Vice Chairman said that he wished to thank all members of the Project Team for their work in bringing the project to a successful conclusion.

In response to a question, the Economic Development Manager advised that a press release would be issued after the elections and he would work with Eurostar with a view to further publicity in May prior to the recommencement of the additional Paris service.

A Member asked whether any progress had been made in terms of proposals to re-design Ashford Station. The Economic Development Manager said that this issue was discussed at the last meeting when a representative from Southeastern Railway had given a presentation and he therefore agreed to refer this question back to them.

Resolved:

That the report be received and noted.

240 Highway Forward Works Programme 2019/20 onwards

The report updated Members on the identified schemes approved for construction in 2019/20. The Ashford District Manager referred to page 55, Appendix D and advised that the date in the report should be 20th November 2019.

In response to questions from the Vice Chairman, the Ashford District Manager confirmed that the issue of damage to the drainage system in Victoria Crescent would be taken up with the relevant developer. In terms of the works to the Flanders

Roundabout, the Ashford District Manager agreed to check the position in terms of the proposed commemoration of the fallen soldiers.

A Member referred to page 51, and the current position in terms of Tally Ho Road drainage investigation, and the Ashford District Manager undertook to pass on this question to the relevant team at KCC and ask that they respond directly to the member concerned.

In response to a comment from Mr Ashby regarding the need for a pedestrian crossing on the A28 in Bethersden, Mr Simkins explained that this issue had been discussed with a KCC Officer and arising from this the Parish Council would be bringing back an alternative proposal in due course.

Resolved:

That the report be received and noted.

241 Local Winter Service Plan

The report outlined the arrangements that had been made between Kent County Council and Ashford Borough Council to provide a local winter service in the event of an operational snow alert in the Borough.

Resolved:

That the report be received and noted.

242 Footway Parking Parliamentary Inquiry

The report advised that the House of Commons Transport Committee had conducted an investigation into the issues presented by footway parking outside of London. The report set out a summary of the recommendations, which, if implemented, would affect the use of roads in residential areas.

The Parking, Highways and Transportation Technical Officer said that the final outcome of the recommendations from the Inquiry were not as yet known, but if it lead to a blanket ban on parking on pavements it would have significant implications for Ashford.

The Chairman asked that a report back to the Board be made when the final outcome of the Inquiry was known.

Resolved:

That the report be received and noted.

243 Process for Promoting Traffic Regulation Orders

The report gave details of Kent County Council's process for promoting Traffic Regulation Orders on the network which was based on national legislation.

The Chairman explained that he had asked for this report to be produced for the Board as he had noticed the introduction of a speed limit on the A20 in Hothfield which he had not been aware of. He considered that the Board should be a consultee on such matters.

The Ashford District Manager said that the current TRO process was in line with national legislation and information about forthcoming speed restrictions were included in the regular Highway Forward Works Programme reports submitted to the Board, although the JTB itself was not a formal consultee.

Following discussion it was agreed that statutory consultations on forthcoming speed limit changes would be copied to the Chairman and Vice Chairman and other Members of the JTB.

In terms of the newly established Community Forums in Ashford, the Ashford District Manager undertook to check that they were on the KCC database for communications and liaison on highway matters.

Resolved:

That the report be received and noted and future statutory consultations on speed limit changes be copied to the Chairman and Vice - Chairman and other Members of the Joint Transportation Board.

244 Dates of Future Meetings

3rd March 2020
2nd June 2020
15th September 2020
8th December 2020
2nd March 2020

Queries concerning these Minutes? Please contact Member Services:
Telephone: 01233 330564 Email: memberservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: <http://ashford.moderngov.co.uk>

NOTES OF THE ECONOMIC REGENERATION & INVESTMENT BOARD

3rd December 2019

Attending: Cllr. Clarkson (Chairman)
Cllr. Clokie
Cllr. Shorter

Also Present: Cllr. Heyes
Cllr. Iliffe

Mr M Hill – KCC
Mr J White – KCC

Chief Executive
Director of Finance and Economy
Communications & Marketing Manager
Head of Corporate Property and Projects
Commercial Development & Regeneration Manager
Senior Estates & Valuations Officer
Principal Solicitor for Property & Projects
Head of Planning & Development
Head of Culture
Member Services and Ombudsman Liaison Officer

	ACTION
<p>1. <u>Notes of the Previous Meeting</u></p> <p>The Notes of the Meeting of the Economic Regeneration and Investment Board held on 11th September 2019 were agreed and confirmed as a correct record.</p>	
<p>2. <u>Jasmin Vardiman</u></p> <p>MH (KCC) introduced this item and explained the KCC vision to create a cultural hub in Ashford, commencing with the establishment of the new Jasmin Vardiman (JV) site. JW (KCC) gave a presentation which covered the options, proposals, risks and recommendations. Members questioned the future of the building, should JV wish to relocate elsewhere. JW explained that in such an event KCC would negotiate with Arts Council England (ACE) regarding the waiving of future charges. Members expressed some concerns about the value for money of this investment and agreed that an SLA should be put in place with JV to</p>	

<p>provide an agreed number of annual performances within the Borough.</p> <p>JW confirmed that the JV project would provide employment opportunities. Officers explained that the capital would come from the Business Rates Retention Pilot monies, which was to be used specifically for funding economic development, housing or growth.</p> <p>The Principal Solicitor advised that due diligence would be undertaken and would cover the points raised in the above discussion prior to Cabinet. In response to some concerns expressed by Members, MH explained that as a non-profit organisation, JV was under financial scrutiny by ACE and was audited annually.</p> <p>It was agreed that JW would provide refreshed costs and a firmed up offer. There was a request that the terminology in the report was amended to ensure that it was accurate.</p> <p>Members agreed with the recommendations, which would go to Cabinet in January and full Council in February.</p>	<p>JW CF</p>
<p>3. <u>Proposed Acquisition</u></p> <p>The Commercial Development & Regeneration Manager introduced this item and highlighted the key aspects of the report, including proposals, risks, long term plans and finances.</p> <p>Members considered that this proposal would ‘wash its face’ in terms of funding borrowing. It would be a considerable investment, with options for development or returns on investment.</p> <p>The Principal Solicitor clarified the hierarchy of ownership and explained where this acquisition would fit within the chain.</p> <p>The Head of Planning & Development said that the role of town centres was going to change in the future, with more community-based facilities needed. The proposed acquisition would give the Council options to control and develop this key site with a view to meeting the future needs of residents.</p> <p>Members agreed that Officers should make an offer for the proposed acquisition and report back to Members. Members discussed the potential benefits of acquiring an additional nearby building, but it was decided not to pursue this at the moment.</p>	<p>PMcK/JF</p>
<p>4. <u>Commercial Opportunities</u></p> <p>The Commercial Development & Regeneration Manager introduced this item and said that this would be a standing item for reporting to each Board meeting. She drew Members’ attention to the two current commercial opportunities being investigated within Corporate Property</p>	

and Projects: rental of Level 0 of the Civic Centre and Amazon Drop Boxes/Lockers.	
5. <u>Date of Next Meeting</u> Weds 29 th January 2020 at 10am in Committee Room 1.	

Queries concerning these minutes? Please contact membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

This page is intentionally left blank

Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the **29th November 2019**.

Present:

Cllr. Shorter (Vice-Chairman in the Chair)

Cllrs. Clokie, Ledger, Michael, Spain.

Apologies:

Cllrs. Bartlett, Walder.

Also Present:

Cllrs. Harman, Sparks.

Spatial Planning Manager, Principal Policy Planner (DC), Head of Planning and Development, Acting Senior Policy Planner, Planning Policy Officer, Graduate Planner, Principal Solicitor (Strategic Development), Member Services and Ombudsman Liaison Officer.

1 Notes of the Previous Meetings

- 1.1 The Notes of the Meetings held on 4th and 18th October 2019 were agreed as a correct record.

2 Draft Regulation 18 Gypsy & Traveller Accommodation Local Plan Options – for consultation

- 2.1 The Acting Senior Policy Planner introduced this item and highlighted the key points within the report. She clarified that Members were being asked for their agreement to the draft consultation questions.
- 2.2 The Vice-Chairman in the Chair thanked the Acting Senior Policy Planner for a very comprehensive report. He opened up the item for discussion and the following points/comments were raised:
 - Members said that this was a complex issue and it was important to make the consultation documents accessible and comprehensible to all audiences. It was felt that, as far as possible, the Options Report should be written in simple English. The Acting Senior Policy Planner explained that hard copies of all documents would be provided, including a summary document and frequently asked questions sheet. She would also ensure

that the information available on the portal was straightforward and clear. However, it was noted that there must be sufficient detail in the Options Report to ensure that thorough background information was provided to enable those responding to give informed answers.

- There was some discussion about Table 1 in paragraph 2.3 on page 26. Some Members considered that the information provided was confusing, and questioned whether it could be simplified. The Acting Senior Policy Planner said she would make an adjustment to ensure that figures were more comprehensible and add a reference to the explanation provided earlier in the document. It was also suggested that definitions of PPTS and Cultural Needs could be provided at this point.
- A Member pointed out that under Question 8, Option 4 on page 40 some explanation was required to give a proper understanding of this Option. The Acting Senior Policy Planner agreed to add another paragraph.
- In answer to a question, it was confirmed that the target audience for the Options Report consultation was both the Gypsy and Traveller and settled communities.
- A Member noted that this was an emotive subject and asked how it was intended to handle this aspect of the consultation. The Acting Senior Policy Planner responded that the aim was to achieve a final document with criteria contributed by all stakeholders. It was hoped that if the final document was designed in this way, using good clear explanation and a FAQs sheet, this may help to allay some concerns.
- A Member noted that rural Gypsy & Traveller sites sometimes developed in an unplanned way, and she asked how it was anticipated that this could be prevented in the future. The Vice-Chairman in the Chair said there was an argument that if a sufficient supply of sites was established, there would be more grounds for responding to unplanned settlement.
- Question 1 – text agreed.
- Question 2 – agreed, subject to the discussion above.
- Question 3 – it was suggested that a supporting text be provided for each of the Options by way of explanation, and that this should be written as plainly and clearly as possible.
- Question 4 – agreed.
- Question 5 – a Member asked why paragraphs 6, 7 and 8 had been combined on page 32, instead of set out separately. He also considered that a definition of community was required, together with an explanation of the whole range of infrastructure required, not just local GP surgery. The Spatial Planning Manager said that the wording in italics in paragraph 9 was drawn from the Government document, so could not be amended.

The reference to health care was included as a typical infrastructure issue which was likely to be raised, but this did not invalidate other infrastructure concerns. He said this question was inviting contributions, and there was no preferred option as far as Officers were concerned. He would be content to see suggestions for changes or additions to criteria. This would give a greater level of accuracy at site assessment stage, and would also show a good level of engagement during the consultation. The Acting Senior Policy Planner added that this section was a summary of the SA Scoping Report, which was the key background document and provided a full description of all the criteria in more detail. She said that paragraphs 6, 7 and 8 had been combined as they fitted together well with the written explanation. Members concluded that they would like to see a wider list of local infrastructure included in paragraph 9. The Acting Senior Policy Planner said she was happy to include this but it should be borne in mind that not all of these criteria could be used to assess every site.

- Question 6 – Members requested that the word ‘answer’ be changed to ‘answers’. A Member said that the settled community in certain areas were likely to express concern about an imbalance of Traveller sites in the Borough in the future. The Acting Senior Policy Planner said Government guidance was that family need for Gypsy and Traveller families was an important consideration in assessing site options for allocation. Members agreed the text for Question 6.
- Question 7 – Agreed.
- Question 8 – Agreed.
- Question 9 – Agreed.
- Question 10 – A Member noted that if Travellers decided to stop travelling and subsequently put in a successful planning application, that site would be lost from the future supply of Gypsy and Traveller sites. The Spatial Planning Manager said that when the current policy was drafted the Cultural vs PPTS debate was not as clear as now. He questioned whether the policy may now require amendment to reflect this and suggested that a wider discussion might be needed at a future Task Group. Members agreed that ‘delete’ should be made into a third option to this question.
- Question 11 – Members considered that the example site could be identified and requested that a different site be substituted. This could be one from outside the Borough, or a fictional site.
- Question 12 – Agreed.
- Question 13 – Agreed.
- Question 14 – Agreed.

In response to several comments, the Acting Senior Policy Planner said she would add the definitions of 'PPTS' and 'Cultural Needs' more extensively throughout the report.

As a final comment, a Member asked that some attention be given to the alignment and formatting of the report.

Resolved:

That the Local Plan and Planning Policy Task Group:

- i) endorses the draft Regulation 18 'Options Report' version of the Traveller Accommodation Local Plan for public consultation (to start w/c 6th January 2020) in line with the above discussion; and**
- ii) delegates authority to the Head of Planning & Development, in consultation with the Portfolio Holder for Planning & Development and the Chair of the Local Plan & Planning Policy Task Group, to make any further appropriate minor amendments prior to publication for consultation.**

3 Challock Village Envelope

3.1 The Principal Policy Planner introduced this item. He explained that Officers' original draft of the confines line had not been supported by Challock Parish Council. However, following subsequent discussions, and some iterations and minor changes, the Parish Council was now prepared to accept and support the 2019 confines. He explained that Challock was an HOU5 settlement and therefore a slightly more relaxed approach could be taken to the confines line than if it was an HOU3a settlement only. The area edged in blue reflected the public open space, which the Parish Council had been very keen to include within the confines. The Principal Policy Planner advised that there was an error in the diagram, which did not include the site allocation adopted in the Local Plan, but this would be corrected before the report progressed to Cabinet. He explained that if this 2019 version of the village confines was endorsed, it would supersede the 2014 version.

3.2 The Chairman opened up the item for discussion and the following points/questions were raised:

- A Member considered that it was important to show Conservation Areas on any confines diagram. The Principal Policy Planner explained that Conservation Areas were depicted as part of wider maps and this map was intended to show the built confines only. He said that any other factors would dilute the impact of the map, and that a confines map should retain a single use only. Officers established that, in any event, there were no Conservation Areas in the area covered by the map.

- It was noted that the village confines drawn up by Challock Parish Council in 2014 included separate areas to the east and west of the currently proposed confines. The Principal Policy Planner explained that a much more central approach was followed now.

Resolved:

That subject to the inclusion of the site allocation in the adopted Local Plan, the Local Plan & Planning Policy Task Group endorses the 2019 Challock Village envelope map and recommends that Cabinet adopts this envelope as informal guidance for development management purposes.

4 Partial Review of the Kent Minerals & Waste Local Plan to 2030: Update

- 4.1 The Principal Policy Planner introduced this item and highlighted the key points within the report. He said there were some concerns in relation to mineral safeguarding areas, and allocated sites should be protected from mineral safeguarding.

Resolved:

That following an update from Officers, the Task Group agrees to delegate authority to the Head of Planning and Development to draft the Council's response to the Main Modifications to the Kent Waste and Minerals Plan, to be agreed by the Portfolio Holder for Planning and Development and the Chairman of the Task Group.

5 Folkestone & Hythe District Core Strategy Review – Statement of Common Ground with ABC

- 5.1 The Spatial Planning Manager introduced this report and summarised the main points within the report. He said Members' views were sought on the Council's response to the proposed Statement of Common Ground.
- 5.2 The Chairman opened the item for discussion and the following points/questions were raised:
- Members noted that the points raised previously by the Council had not been incorporated within the new Statement of Common Ground. Members were keen to resolve the Council's concerns through discussions with Folkestone & Hythe District Council, rather than at the public examination.
 - A Member said that there was no mention of the impact of the Otterpool proposals on the William Harvey Hospital. He also asked whether the proposals had been included within the scoping of J10A, and whether future capacity had been factored into the design. Members also discussed

the high speed rail service to Ashford, and expressed concerns about overcrowded trains affecting passengers getting on at Ashford. Members agreed that this issue had not been considered thoroughly enough.

- The Spatial Planning Manager suggested a twin track approach: firstly, to amend the Statement of Common Ground along the lines discussed, in order to specify areas where Ashford Borough Council continued to disagree with the proposals: and secondly, for face to face discussions to take place between the two Councils to see if an approach could be agreed to satisfy concerns raised by Ashford Borough Council over a prolonged period of time. Members agreed this approach.

Resolved:

That the Local Plan & Planning Policy Task Group agrees the nature of the response outlined in paragraph 19 of the report and,

- i) requests the Head of Planning & Development, in consultation with the Portfolio Holder for Planning & Development and the Chair of the Local Plan & Planning Policy Task Group, to draft and sign a Statement of Common Ground with Folkestone and Hythe District Council on this basis; and**
- ii) requests Officers to seek to arrange a meeting with the relevant Officers and Members at Folkestone & Hythe District Council to discuss the situation.**

Councillor Shorter
Vice-Chairman in the Chair – Local Plan & Planning Policy Task Group

Queries concerning these minutes? Please contact membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

Agenda Item No: 13
Report To: CABINET
Date: 30TH JANUARY 2020



Report Title: SCHEDULE OF KEY DECISIONS TO BE TAKEN

Report Author and Job Title: Danny Sheppard, Member Services Manager (Operational)

Portfolio Holder: Portfolio Holders are individually specified in the attached Schedule.

Summary:	To set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.
-----------------	--

Key Decision: NO

Significantly Affected Wards: Where appropriate, individual Wards are indicated.

Recommendations That the Cabinet receive and note the latest Schedule of Key Decisions.

Policy Overview: Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

Financial Implications: Nil

Legal Implications: n/a

Equalities Impact Assessment n/a

Other Material Implications: Nil

Exempt from publication: No

Background None

Papers:

Contacts:

danny.sheppard@ashford.gov.uk – Tel: 01233 330349

**CABINET
SCHEDULE OF KEY DECISIONS TO BE TAKEN**

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Paul Bartlett; Bill Barrett; Neil Bell; Andrew Buchanan; Paul Clokie; Peter Feacey; Alan Pickering; Neil Shorter; and one position vacant.

Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at The Town Hall, 24 High Street, Tenterden, during opening hours, or at <https://ashford.moderngov.co.uk>

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
30th January 2020					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Bell	Nic Stevens	Open (Exempt Appendix)	11/1/19
Council Tax Reduction Scheme		Cllr Bell	Maria Stevens	Open	28/10/19
Parking Charges Review	<i>To seek approval for the increase in parking charges across the borough with effect from the 1 April 2020.</i>	Vacant	Alison Oates	Open	30/10/19

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Proposed Continuation of Planned Refugee Resettlement Beyond End of Current Vulnerable Persons Resettlement Scheme	<i>To report on the success of the existing VPRS scheme in Ashford. To report on how the current VPRS scheme has brought benefits to Ashford, how it already impacts on wider community cohesion and integration matters and how this can be further developed going forward and to ask for Cabinet support to continue planned resettlement of refugees in Ashford through the Government resettlement scheme beyond 2020.</i>	Cllr Barrett	Anne Forbes	Open	28/10/19
27th February 2020					
Revenue Budget 2020/21	<i>To present the draft revenue budget for 2019/20 to the Cabinet for recommendation to Council.</i>	Cllr Bell	Maria Stevens	Open	15/2/19
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Bell	Maria Stevens	Open	15/2/19
Corporate Performance Report	<i>The report seeks to give Members and the Borough’s residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance ‘snapshot’.</i>	Cllr Bell	Tom Swain	Open	9/2/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Tenterden Leisure Centre Procurement	<i>To consider Tenterden Leisure Trust's surrender of their lease at a time agreeable to ABC and for ABC to lead on the procurement of a new operator as well as the direct management of the new contract from 1st April 2021.</i>	Cllr Feacey	Christina Fuller/ Len Mayatt	Open	26/11/19
Singleton Environment Centre – Section 106 Allocation	<i>To gain the approval of Members to sanction the use of Section 106 funds for the project outlined above and to outline the ongoing success of the SEC and the demand for the services it provides to the community which have led to this project.</i>	Cllr Feacey	Christina Fuller/ Len Mayatt	Open	26/11/19
Statement of Community Involvement – Update	<i>To set out the key updates to the SCI in relation to recent changes to legislation. The SCI requires adoption by Cabinet and Full Council to be considered a development plan document.</i>	Cllr Shorter	William McKane	Open	16/12/19
Conningbrook Lakes Delivery Plan	<i>To endorse the authorisation of S106 allocations, both from the enabling residential development H1 and smaller Strategic Park allocations identified to Conningbrook Lakes Country Park, to support infrastructure works that are compatible with the relevant Borough strategies, 2014 planning permission and the draft masterplan.</i>	Cllr Feacey	Amanda Scott	Open	6/1/19

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Elwick 2 and 3 Site		Cllr Clokie	Paul McKenner	Exempt	21/1/20
26th March 2020					
Annual Pay Policy Statement (Including Review for 2020/21)	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance</i>	Cllr Pickering	Michelle Pecci/ Joy Cross	Open	15/3/19
Bockhanger Consultation – Outcomes		Cllr Barrett	Rebecca Wilcox	Open	30/10/19
Corporate Plan – Approval to Commence Consultation on Draft Corporate Plan 2020		Cllr Clarkson	Lorna Ford/ Jennifer Shaw	Open	11/3/19
Anti-Social Behaviour Policy	<i>To approve an ASB policy in order to ensure a clear organisational approach and commitment to managing and addressing ASB within the Borough. The policy will set out the obligations of all stakeholders including the CSU, Housing, Kent Police and Members.</i>	Vacant	Laurel Niven	Open	19/12/19
Amendments to Standing Orders – Corporate Property and Projects		Cllr Clokie	Simon Talijancic	Open	17/1/20

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
30 th April 2020					
28 th May 2020					
25 th June 2020					
Final Outturn 2019/20	<i>Final budget outturn for previous financial year.</i>	Cllr Bell	Maria Stevens	Open	14/6/19
Corporate Performance Report (Quarter 4) and Annual Performance Report 2019/20	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot' and the Annual Report will build upon the contents of quarterly performance monitoring, but will also include the following information – An Introduction from the Leader and Chief Executive; Facts and figures about Ashford; Timeline of key achievements in the Borough over the calendar year; Borough achievements; and a Financial Summary.</i>	Cllr Bell	Tom Swain	Open	14/6/19
30 th July 2020					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Bell	Nic Stevens	Open (Exempt Appendix)	12/7/19

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Corporate Plan - Report on Consultation Findings and Approval to Publish Corporate Plan 2020		Cllr Clarkson	Lorna Ford/ Jennifer Shaw	Open	11/3/19
27th August 2020					
KEEP CLEAR FOR HOLIDAYS					
24th September 2020					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Bell	Maria Stevens	Open	13/9/19
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance ‘snapshot’.</i>	Cllr Bell	Tom Swain	Open	13/9/19
Corporate Commercial Property Strategy – Annual Report	<i>To advise of the revenue performance of the Council’s corporate property portfolio during the last financial period and to advise of proposals to increase profitability in the coming financial period.</i>	Cllr Clokie	Paul McKenner	Open	13/9/19

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Section 106 Agreements – Annual Progress Report	<i>Focus on s106 contributions received in the last year, contributions secured in new agreements and projects that have been supported by s106 funding.</i>	Cllr Shorter	Tim Naylor	Open	13/9/19
29th October 2020					
26th November 2020					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Bell	Tom Swain	Open	2/12/19
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Bell	Maria Stevens	Open	2/12/19
Medium Term Financial Plan	<i>To ask Cabinet to note the Medium Term Financial Plan ahead of this year's Budget process.</i>	Cllr Bell	Maria Stevens	Open	2/12/19
Draft Budget 2021/22	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&S Task Group and public consultation.</i>	Cllr Bell	Maria Stevens	Open	2/12/19

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Council Tax Base 2021/22	<i>To present for approval the estimated 2021/22 Council tax base calculation for the Borough and each parished area, on which the major preceptors and local Parish Councils will base their requirements.</i>	Cllr Bell	Maria Stevens	Open	2/12/19
17th December 2020					
Housing Revenue Account (HRA) Business Plan 2020-2050		Cllr Barrett	Sharon Williams	Open	31/12/19

***If you wish to contact a Report Author by email, unless stated otherwise, the addresses are;
first name.surname@ashford.gov.uk***

21/1/20