



COUNCIL MEETING

7.30 pm Wednesday, 23 January 2019

At Council Chamber - Town Hall

Members of the Council of the London Borough of Havering are hereby summoned to attend a meeting of the Council at the time and place indicated for the transaction of the following business

**Kathryn Robinson
Monitoring Officer**

For information about the meeting please contact:

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Please note that this meeting will be webcast.

**Members of the public who do not wish to appear
in the webcast will be able to sit in the balcony,
which is not in camera range.**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

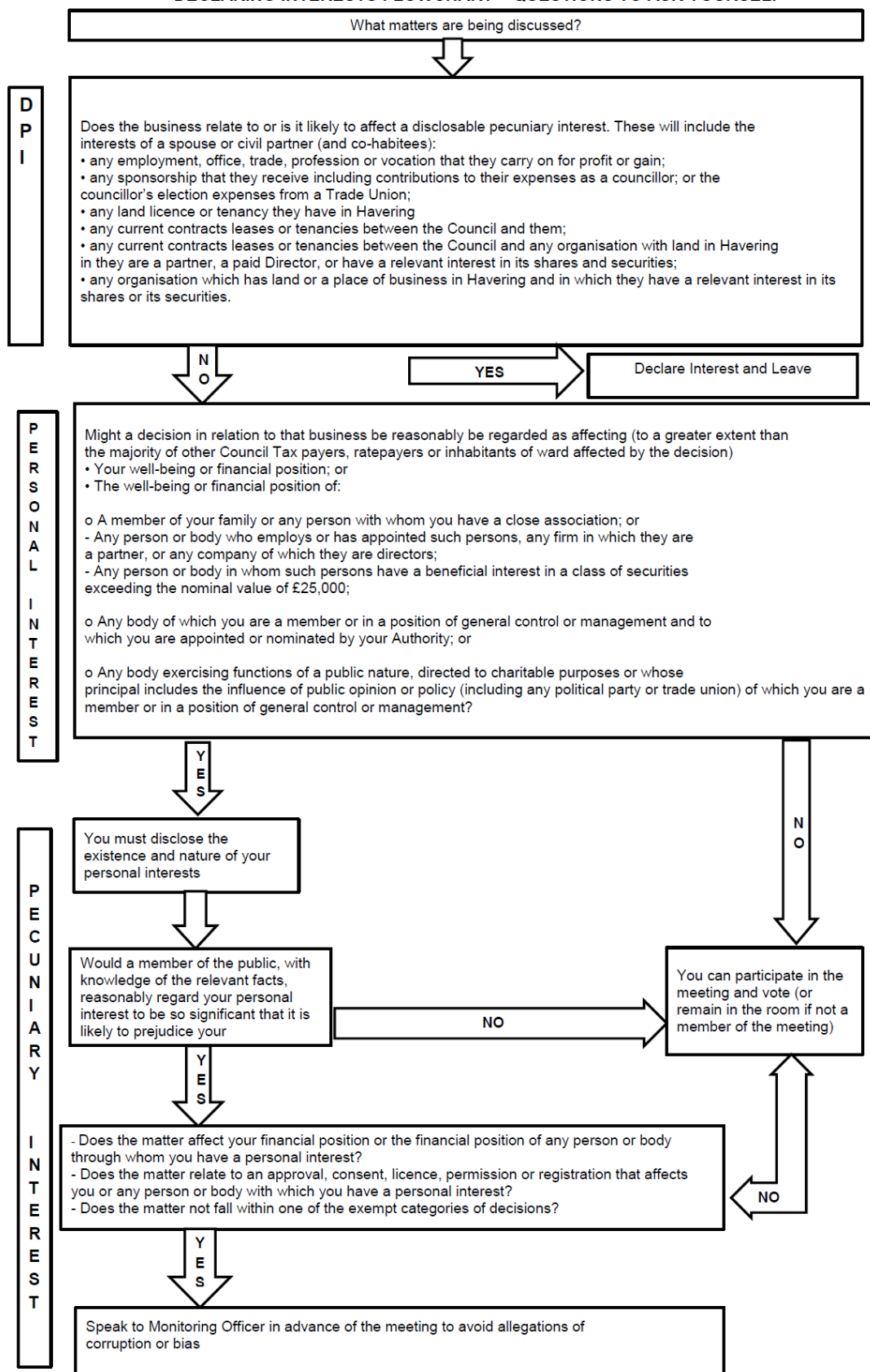
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA

1 PRAYERS

2 APOLOGIES FOR ABSENCE

To receive apologies for absence (if any).

3 MINUTES (Pages 1 - 32)

To sign as a true record the minutes of the Meeting of the Council held on 21 November 2018 (attached).

Amendment on behalf of Independent Residents' Group

*AMENDMENT:- The 'show of hands' voting record for votes 4, 5 and 6 are unreliable and should be deleted from table and replaced in minutes with:- **Motion C** Amendment by IRG NOT CARRIED by a majority, motion by Conservative Group CARRIED without division. **Motion E** Amendment by Conservative Group CARRIED by a majority and AGREED as substantive motion without division. **Motion F** Amendment by Conservative Group CARRIED by a majority and AGREED as substantive motion without division.*

EXPLANATION. At last Council the voting machine broke and votes 4, 5 and 6 was by show of hands. On vote 4 "anti-Semitism" the published record shows the IRG amendment was lost by 43 to 3 with 8 abstentions. The minutes shows all Con/HW3, UPRA, RA voting against the amendment, all Labour and 3 IRG abstaining and 3 IRG voting in favour of the amendment and the substantive motion was agreed without a vote.

However on the webcast the Democratic Services Officer announces vote 4 was lost by 40 to 3. As this is a clear discrepancy and as it can now be no longer certain how everyone voted by 'show of hands' the voting record for vote 4, 5 and 6 in the table needs to be deleted and the minutes changed.

4 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE

To receive announcements (if any).

6 PETITIONS

To receive any petition presented pursuant to Council Procedure Rule 23.

Councillors Clarence Barrett, Jeffrey Tucker, Philippa Crowder and Denis O'Flynn have given notice of intention to present a petition.

7 MEMBERS' QUESTIONS

To follow.

8 BRIDGE CLOSE, ROMFORD - PURCHASE OF RESIDENTIAL PROPERTIES ON WATERLOO ROAD AND OLDCHURCH ROAD (Pages 33 - 50)

NOTE: The deadline for receipt of all amendments to reports including nominations relating to the report at agenda item 12 is midnight, Monday 21 January.

Report attached.

9 UPDATE ON THE COUNCIL TAX SUPPORT SCHEME 2019 AND COUNCIL TAX SURCHARGE ON EMPTY HOMES (Pages 51 - 422)

Report attached.

10 COUNCIL PROCEDURE RULES (Pages 423 - 466)

Report attached.

11 ALLOCATION OF SEATS ON THE COMMITTEES OF THE COUNCIL (Pages 467 - 474)

Report attached.

12 VACANCIES FOR THE POSITIONS OF CHAIRMAN, STRATEGIC PLANNING COMMITTEE AND VICE-CHAIR, PENSIONS COMMITTEE (Pages 475 - 476)

Report attached.

13 MOTIONS FOR DEBATE (Pages 477 - 484)

Attached.



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Council Chamber - Town Hall
21 November 2018 (7.30 - 10.35 pm)**

Present: The Mayor (Councillor Dilip Patel) in the Chair

Councillors Councillors Clarence Barrett, Robert Benham, Ray Best,
Carole Beth, Michael Deon Burton, Joshua Chapman,
John Crowder, Philippa Crowder, Keith Darvill, Osman Dervish,
Nic Dodin, David Durant, Tony Durdin, Brian Eagling,
Gillian Ford, Jason Frost, Martin Goode, Linda Hawthorn,
Judith Holt, Tele Lawal, Paul McGeary, Paul Middleton,
Sally Miller, Robby Misir, Ray Morgon, Barry Mugglestone,
John Mylod, Stephanie Nunn, Denis O'Flynn, Gerry O'Sullivan,
Ron Ower, Nisha Patel, Bob Perry, Viddy Persaud,
Roger Ramsey, Timothy Ryan, Jan Sargent, Carol Smith,
Christine Smith, Natasha Summers, Matt Sutton,
Maggie Themistocli, Jeffrey Tucker, John Tyler,
Christine Vickery, Melvin Wallace, Ciaran White, Damian White,
Michael White, Reg Whitney, Christopher Wilkins,
Graham Williamson and Darren Wise

Approximately 10 Members' guests and members of the public and a representative of the press were also present.

There were no apologies for absence.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Father Roderick Hingley, of the Church of St Alban, Protomartyr, Romford opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

38 MINUTES (agenda item 3)

The minutes of the meeting of the Council held on 12 September 2018 were before the Council for approval.

Under minute 34, it was noted as a point of clarification that Councillor Darvill had seconded the motion that Councillor Tucker not be heard further.

RESOLVED:

That the minutes of the meeting of the Council held on 12 September 2018 be approved as a correct record.

39 DISCLOSURE OF INTERESTS (agenda item 4)

There were no disclosures of interest.

40 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)

A minute's silence was held in memory of former Councillors Steven Kelly and Louise Sinclair who had recently passed away. Tributes to both former Councillors were paid by the Leader of the Council and Members from all sides of the Chamber.

The Mayor reported on the following events he had attended or was planning:

- Mayor's reception at Town Hall
- British-Irish Parliamentary Assembly, 21 October
- Launch of Poppy Appeal, 31 October
- Lord Mayor's show, 10 November
- Remembrance Day, 11 November
- Romford Christmas lights switch on, 15 November
- Hornchurch Christmas lights switch on, 17 December
- Mayor's Burns Night Dinner
- New Mace Stand

The Leader of the Council made some announcements concerning:

- Spending plans and the Medium Term Financial Strategy
- Roads investment
- Remembrance ceremonies in Havering
- 12 Estates regeneration programme
- Award for Veggie Run app
- Partnership with West Ham United
- International Day of the Disabled Person, 3 December
- Christmas events

41 PETITIONS (agenda item 6)

A petition was presented by Councillor Tucker re Chafford Sports Complex.

42 **EXCEPTIONS TO THE CALL-IN PROCEDURE (agenda item 7)**

A report of the Chief Executive detailing five recent cases where decisions had been granted exceptions to the call-in (requisition) procedure was **AGREED** without division.

RESOLVED:

That the report be noted.

43 **UPDATE TO THE 2018/19 CAPITAL PROGRAMME (agenda item 8)**

A report of the Section 151 officer sought agreement from Council to the virement of £1.2m from the regeneration programme to the highways infrastructure investment programme. The report also sought approval to the allocation of £3m capital receipts in the capital programme to create a contingency for asset purchases. These purchases would be funded from capital receipts which will be replenished as and when transfers are made and assets sold.

Three questions were asked on the report by the Upminster and Cranham Residents' Associations Group and two questions were asked on the report by the Residents' Group. The text of the question and of the answers given by the Cabinet Member are shown at appendix 1 to these minutes.

The report was **AGREED** without division.

RESOLVED:

1. **That the virement of £1.2m from the regeneration programme to the highways infrastructure investment programme be approved.**
2. **That the allocation of £3m capital receipts in the capital programme to finance property investments in the capital programme be approved.**

44 **MEMBERS' QUESTIONS (agenda item 9)**

Fifteen questions were asked and replies given. The text of all questions submitted, and their answers, is shown as appendix 2 to these minutes.

45 **LIFTS AT HAROLD WOOD STATION (agenda item 10A)**

A. LIFTS AT HAROLD WOOD STATION

Motion on behalf of the North Havering Residents' Group

This council calls upon the Mayor of London to investigate and provide an adequate explanation to the ongoing delays to the completion of the ticket hall and lifts at Harold Wood (TFL) station as it is now over 2 years behind schedule.

Amendment in behalf of the Conservative Group

This council calls upon the Mayor of London to investigate and provide an adequate explanation to the ongoing delays to the completion of the ticket hall, lifts and other improvements at Harold Wood, Romford & Gidea Park (TFL) stations, as these are now over 2 years behind schedule.

The amendment by the Conservative Group was **CARRIED** by 54 votes to 0 (see division 1) and **AGREED** as the substantive motion, without division.

RESOLVED:

This council calls upon the Mayor of London to investigate and provide an adequate explanation to the ongoing delays to the completion of the ticket hall, lifts and other improvements at Harold Wood, Romford & Gidea Park (TFL) stations, as these are now over 2 years behind schedule.

46 **LOWER THAMES CROSSING CONSULTATION (agenda item 10B)**

Motion on behalf of the Upminster and Cranham Residents' Associations Group

Following on from the initial consultation regarding the Lower Thames Crossing and the response from this Council (March 2016) which recognised the need for an additional river crossing but preferred the option which would have seen a new crossing alongside the existing Dartford Bridge. The government are now proposing, and consulting upon, a 14.5mile road, including a 2.4 mile tunnel, connecting the M2 near Rochester and the M25 by North Ockendon.

In responding to the current consultation (ends 20th December), this Council calls upon the Leader to reiterate its concerns in respect of:

- Adverse impact on residential amenity for homes in Havering in terms of noise, disturbance and vibration

- Loss of homes in the North Ockendon area
- Impact on conservation areas and heritage assets in the locality
- Adverse impact of ongoing works and siting of works compound
- Should the Crossing go ahead as planned, that Havering residents are eligible to a toll discount scheme (on the same basis as received by residents of Thurrock and Dartford for the Dartford Crossing).

Amendment on behalf of the Conservative Group

This Council welcomes the proposed additional investment within transport infrastructure, from the Lower Thames Crossing to the proposed upgrading of the Gallows Corner interchange; and calls upon the Executive to continue to engage within any public consultations to highlight both the specific issues relating to each project but also the commutative affect that all projects will have upon Havering's transport network, and local residents.

Following debate, the amendment by the Conservative Group was **CARRIED** by 35 votes to 14 (see division 2) and **AGREED** as the substantive motion 41 votes to 13 (see division 3).

RESOLVED:

This Council welcomes the proposed additional investment within transport infrastructure, from the Lower Thames Crossing to the proposed upgrading of the Gallows Corner interchange; and calls upon the Executive to continue to engage within any public consultations to highlight both the specific issues relating to each project but also the commutative affect that all projects will have upon Havering's transport network, and local residents.

47 ADOPTION OF IHRA DEFINITION OF ANTI-SEMITISM (agenda item 10C)

Motion on behalf of the Conservative Group

This council expresses alarm at the rise in antisemitism in recent years across the UK. This includes incidents when criticism of Israel has been expressed using antisemitic tropes. Criticism of Israel can be legitimate, but not if it employs the tropes and imagery of antisemitism.

The Council therefore welcome the UK Government's announcement on December 11th 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism which define antisemitism thus:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

The guidelines highlight manifestations of antisemitism as including:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non- Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel."

This Council welcomes cross-party support within the Council for combating antisemitism in all its manifestations. This Council hereby adopts the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.

Amendment on behalf of the Independent Residents' Group

There are always 3 sides to an argument! The IHRA definition of “anti-Semitism” is itself “anti-Semitic” and a device along with hateful “Hate Crime” legislation, to protect the powerful by censoring free speech and honest debate on vital issues.

It's also a surprise the Conservatives are promoting this “Left-Wing, thought crime” motion as the previous administration changed the constitution to stop national, let alone international, issues being debated at Council.

Thus Council agrees that debating the motion is premature and reaffirms its support for free speech, tolerance and honest debate as essential British values.

The amendment by the Independent Residents' Group was **NOT CARRIED** by 43 votes to 3 (see division 4); the motion on behalf of the Conservative Group was **AGREED** as the substantive motion, without division.

RESOLVED:

This council expresses alarm at the rise in antisemitism in recent years across the UK. This includes incidents when criticism of Israel has been expressed using antisemitic tropes. Criticism of Israel can be legitimate, but not if it employs the tropes and imagery of antisemitism.

The Council therefore welcome the UK Government's announcement on December 11th 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism which define antisemitism thus:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

The guidelines highlight manifestations of antisemitism as including:

- “• Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.**
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.**
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non- Jews.**

- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”

This Council welcomes cross-party support within the Council for combating antisemitism in all its manifestations. This Council hereby adopts the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.

48 **SIZE OF PLANNING COMMITTEES (agenda item 10D)**

Motion on behalf of the Independent Residents' Group

The March 7th Governance meeting and subsequent March 21st Council approved a Governance report proposing changes to the council's planning regime. The report included a recommendation to create two planning committees, a Strategic Planning committee with 7 members and a Planning committee with 11 members, but did say the actual size of the committees (and all committees) would be a matter for Annual Council on May 23rd.

At Annual Council it was proposed to create two size 8 planning committees as part of item 9 on the Council agenda. Item 9 was approved without debate following a procedural motion to go vote only. Following the meeting the Monitoring Officer advised the creation of size 8 committees was to “assist with proportionality”, except it doesn't and neither does the Planning Advisory Service provide specific advice on size of committees.

Due to the quasi-judicial importance of planning committees, the overall creation of two new planning committee positions is welcome, however this motion calls upon Council to agree to change the size of the two planning committees from size 8 to size 7 (strategic) and 11 (planning) as recommended in the approved March 7th Governance Committee report, subsequently approved at March 21st Council.

Council is further asked to agree to increase the total number of seats on committee to 136 (from 134), and to ensure political balance rules are adhered to, agrees to the allocation of seats as set out in the appendix to this motion.

Amendment on behalf of the Conservative Group

This Council notes the decision taken by full council on 23rd May this year to establish the committees of the authority having regard to political balance.

This motion was withdrawn by the Independent Residents' Group and resubmitted to the next meeting of Council.

49 **PESTICIDE CONTROL (agenda item 10E)**

Motion on behalf of the Labour Group

This Council calls upon the Executive to prepare a plan of action to eliminate as a matter of priority the use of pesticides such as glyphosate in its Parks, Gardens, Open Green Space and Highways.

Amendment on behalf of the Conservative Group

The Council calls upon the Executive to undertake a review of pesticides used by the authority and to bring a report to Cabinet.

The amendment on behalf of the Conservative Group was **AGREED** by 47 votes to 7 (see division 5) and **AGREED** as the substantive motion without division.

RESOLVED:

The Council calls upon the Executive to undertake a review of pesticides used by the authority and to bring a report to Cabinet.

50 **LEISURE CENTRES (agenda item 10F)****Motion on behalf of the Independent Residents' Group**

The Councils composite contribution to the new **£28.8m** Romford Leisure Centre was **£26.726m**. This involved **£21.950m** from Morrisons in exchange for the council owned ice rink site and a further **£4.776m** from council reserves. Sports England contributed an additional **£2.074m**.

Please note, Council assets and reserves are owned by all the borough. In Havering there are 18 wards and if we count the 3 wards in the south as Rainham, it means Rainham's share of council assets is about **16%**. This means Rainham's contribution to the new Romford Leisure Centre was **16%** of **£26,726m = £4.277m**. (This figure excludes Rainham's 16% contribution towards whatever the council is spending on the other centres).

On the back of this contribution new centres and facilities have been opened in Romford, Hornchurch, Harold Hill and Noak Hill, with the council responsible for the capital funding and a new 'borough-wide' leisure contract signed with SLM. They are making a payment to council of **£1.1m** to manage the contract, but their own profit is undisclosed and the council has yet to trigger a profit share option.

The Executive claims, as Chafford requires a subsidy it may have to close. Ignoring the fact the Romford Centre was opened after receiving a de facto upfront council subsidy of **£26.726m**. In other words all the centres are receiving subsidy in one form or another and therefore they should all be included in the 'borough-wide' contract and cross subsidised.

In short, Rainham has contributed over **£4.277m** towards the Romford Leisure Centre and 'borough-wide' contract, but its own leisure centre is facing closure, allegedly, due to an unaffordable **£232,000** subsidy, when if Rainham's over **£4.277m** contribution towards the other Centres had been spent in Rainham, it's enough to keep Chafford open for over another **18 years**.

Thus Council agrees this disparity of funding within the new 'borough-wide' leisure contract is evidence of institutional bias against Rainham, contrary to the council's equality, diversity and community cohesion duty within the 2010 Equality Act and calls on the Executive to resume ownership of Chafford Sports Complex and keep it open until a new centre is built in the south of the borough.

Amendment on behalf of the Conservative Group

This Council congratulates the previous administration for delivering the new state of the art Sapphire Ice and Leisure Centre in Romford and welcomes the additional investment being made within sport provision across the Borough.

This Council further notes that due to the financial arrangements of the contract, there is no burden on the council tax payer and there will in fact attribute an on-going surplus for the Council, to reinvest in the Borough.

Following debate, the amendment on behalf of the Conservative Group was **AGREED** by 34 votes to 20 (see division 6) and **AGREED** as the substantive motion, without division.

RESOLVED:

This Council congratulates the previous administration for delivering the new state of the art Sapphire Ice and Leisure Centre in Romford and welcomes the additional investment being made within sport provision across the Borough.

This Council further notes that due to the financial arrangements of the contract, there is no burden on the council tax payer and there will in fact attribute an on-going surplus for the Council, to reinvest in the Borough.

51 **VOTING RECORD**

The record of voting decisions is attached as appendix 3 to these minutes.

Mayor

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Agenda item 8 – Update to the 2018/19 Capital Programme

Answers to Upminster and Cranham Residents' Associations Group

- The report states that £1.2m of costs in respect of the regeneration programme was, after a 'detailed review', to be met through 'alternative funding' as it was revenue and not capital expenditure. Which budgets have been 'utilised' to meet this and, given this was unplanned revenue expenditure, what is the impact on the revenue budget which was predicting a £3.8m year-end overspend as at July 2018?

The £1.2m was originally allocated from within the capital contingency by the previous s151 officer, using delegated powers, for set up costs associated with the JV projects. A full review of the actual expenditure incurred on the regeneration project was undertaken and it was decided that the expenditure did not meet the capital accounting definitions. The costs were charged to revenue in 2017/18 and these costs should be fully recovered by 31 March 2019 as part of the set up and administration costs from the JVs. The capital allocation was rolled forward into 2018/19 and it is now established that the capital funding is no longer required for that original purpose.

- When the £1.2m from capital receipts was agreed as part of the 2018/19 capital programme, why was it not explained or understood that anticipated expenditure associated with the regeneration programme would be predominately revenue rather than capital?

At the time of establishing the 2018/19 capital programme the exact nature of the expenditure required for the JVs was being developed and budgets were based on the business plans at the time but these are constantly under review and do change. The original costs were accounted for in revenue in financial year 2017/18 as outlined in the previous response. During 2018/19 it has been established that the capital sum is no longer required for that original purpose.

- After the virement of £1.2m (Highways Infrastructure) and a further allocation of £3m (Property Investments) from capital receipts, how much is left in this fund?

The balance of Unallocated Receipts, after the funding of the existing capital programme, is currently £7.4m. However after the allocation of £3m for property investments this has reduced the unallocated balance to £4.4m. Consideration is being given to funding future Oracle and CRM developments using the Flexible Use of Capital Receipts freedoms, and this would have to be funded by receipts generated during the same financial period.

Answers to Residents' Group questions

- Would the Cabinet member confirm which schemes no longer require capital to the value of the £1.2 million and why was it that neither he nor his officers were able to provide details of this at the Highways Capital Programme “call in” despite having a week’s notice of the question.

The £1.2m was originally allocated from within the capital contingency by the previous s151 officer, using delegated powers, for set up costs associated with the JV projects.

- Would the Cabinet member agree that it was embarrassing that the Leader of the Upminster and Cranham Residents Association had to point out that council procedure rules state that any virement over £1 million requires agreement by Cabinet and not just the Lead Member.

Following the review of the JVs and the initial costs falling into 2017/18, it was deemed that the costs did not meet the capital accounting definition and were transferred to revenue. It was assumed that the capital allocation could be returned to contingency and subsequently allocated, if necessary, by the s151 officer under delegated powers. However, having reviewed the constitutional provisions it was established that Council had to agree the change, hence tonight’s report.



Appendix 2

FULL COUNCIL, Wednesday 21 November 2018

MEMBERS' QUESTIONS

Vision for Havering

1) **To the Leader of the Council (Councillor Damian White)**

From Councillor Ray Morgan

Would the Leader of the Council set out his vision for Havering and what are the key priorities that he will be focussing on over the next 12 -24 months.

Answer

Mr Mayor, I must request a little leeway in responding to this question, as what is in effect being asked is for me to provide another annual statement to Full Council, setting out how this administration will prioritise a 320 million spend over 24 months.

Whilst I appreciate the need to set out the strategic objectives of this authority, I have already provided a statement to full council after my election and I intend to bring forward a fully updated corporate plan to cabinet in due course. This will be based upon the feedback from our residents throughout our public consultation and be based upon the Ipsos MORI survey that was undertaken and it will incorporate the savings programme within it – so that our authority has an achievable and deliverable corporate plan.

However, to provide some assurance to the Council, may I outline the broad areas that my administration will be focusing upon over the rest of the life of this Council.

Mr Mayor, yesterday saw the publication of the updated Medium Term Financial Strategy for Havering Council, which I will be taking to Cabinet. This provides the financial narrative of where we as an authority and as an administration wish to go. It sets out how we are intending to address the shortfall in funding that we face as a Council, whilst protecting and enhancing the areas that matter to our residents.

Mr Mayor, the delivery of a balanced budget over the rest of this Council must surely be a shared priority for our Council and I am sure that all Members will be supportive of this approach. By getting this right, all other Council priorities flow from having the resources to provide the quality services that are needed.

Reform of public services

I am passionate about reforming our Council, so that we can enhance our service provision whilst cutting out waste and raising our game to best in show. And this, Mr Mayor, will be one of the key areas of the administration's focus over the rest of life of this Council. We will seek to do this through launching service reviews of every area of this Council – benchmarking our costs with industry standards and

seeing if the current structure is able to provide the quality of service that is expected.

By shamelessly borrowing the best ideas for service delivery from throughout the public and private sector, we will be able to release a wave of resources tied up within outdated structures. This will free staff to provide a better quality offering to our residents whilst delivering the savings needed.

Regeneration

The steady evolution of our towns and communities in a sustainable way is a key priority for this administration. And to support this, we have put in place the measure to promote Havering as a destination of investment, whilst at the same time we will be championing the required investment within our social infrastructure.

Through master planning all of the main areas of Borough, we will be in a stronger position to influence the type of development within our authority. And by taking an active approach within the redevelopment of the key sites, will have a greater say in the need to provide that enhanced social support.

One of the most exciting projects that we are engaged within is the estate regeneration proposals, which will see worn out council estates re-born into mixed tenure, economically active communities, providing a doubling of affordable council housing as well as a new and modern range of older people's accommodation.

This is something that is special. Unlike some other London Boroughs that have sought to reduce council housing on estate regeneration plans, we intend to increase council housing – and we are doing it in a way that it taking our residents and tenants along with us.

Protecting the what matters

Mr Mayor, it is important that our authority listen to our residents, before we decide upon the corporate objectives of this Council, which is why we have spent the past three months listening to what they have had to say.

The broad brush is that we want to protect and enhance our communities. Now that we have made significant progress in bring forward an updated MTFS, we are now in a position to work on the updated Corporate objectives.

Of course I am not denying that we face difficult decisions this year and in the coming years because of the need to save a third of our budget... but we will protect the services that matter to our residents most while involving our community in the decisions that are taken.

In response to a supplementary question, the Leader of the Council explained that the latest 'Double Diamond' approach to management techniques would be introduced to the Council which incorporated best practice from other sectors. An all-Member briefing could be arranged on this.

Chafford Sports Complex

**2) To the Leader of the Council (Councillor Damian White)
From Councillor Jeffrey Tucker**

The Council contract with Sports and Leisure Management Ltd to manage Chafford Sports Complex ends in December. The statutory consultation on the future of Chafford ends on December 10th with a Cabinet decision on the outcome expected in early 2019. Will the Council Leader provide assurances that the Complex will remain open until a Cabinet decision about its future is made?

Answer

I can confirm that Chafford Sports Complex will remain open for community use until a decision is taken by Cabinet on the future of the Complex.

In response to a supplementary question, the Leader of the Council added that consultation was currently in progress with residents on the future of sports facilities in the south of the borough and that he was happy to discuss these issues with residents further.

Strategic Development

**3) To the Leader of the Council (Councillor Damian White)
From Councillor Linda Hawthorn**

Where new developments are being built, for example in the 'Rainham and Beam Park' and 'Romford' Strategic Development Areas, what measures are being applied to ensure that the expansion of each area is cohesive, avoiding uncoordinated piece-meal development, and takes special regard to green and natural features, such as the planting of trees and opening up the Rivers Beam and Rom?

Answer

The Council's emerging Local Plan contains specific policies for both Strategic Development Areas.

Policy 1 for the Romford Strategic Development Area contains a range of criteria that will be assessed when considering all new development proposals, including the need to green the ring road and open up the River Rom. Work is under way to produce a Romford Masterplan which would seek to ensure that development of areas are coordinated in terms of implementing the requirements of the policy.

Policy 2 for Rainham and Beam Park seeks to create a green street along New Road. The planning permission for Beam Park includes a new park with an improved River Beam running through the centre. The Rainham and Beam Park Planning Framework specifically requires comprehensive development of street blocks to avoid undesirable piecemeal development that does not maximise the potential of sites and this principle is applied when assessing individual

proposals. The planning framework will shortly be reviewed to create a new Rainham Masterplan.

In response to a supplementary question, the Leader of the Council explained that consultation had not started yet on either plan and that staff were currently being recruited for this. Further details could be provided in the form of an all-Member briefing or a written response.

Fly Tipping

4) To the Cabinet Member for Environment (Councillor Osman Dervish) From Councillor Tele Lawal

What is the criteria for deciding when to use Council resources to clean up fly tipped material on Council Land, Green Spaces, and Commercial/Business Premises?

Answer

The general policy, as stated on the Council website, is that the private landowner is responsible for arranging clearance and bearing the cost of removal and disposal.

Where waste is harmful or the residents are vulnerable the Council may intervene by providing skips to facilitate a community clean up or by clearing the waste.

Each case is dealt with on its merits and careful consideration is given whenever the Council undertakes works in default as pursuing recovery of the costs of collection and disposal entails significant costs which may not be recoverable until the property is sold.

Furthermore, the Council may be held liable for any damage is caused to land or property during clearance.

Special provisions exist in cases of fly tipping in private service roads or alleyways. The Enforcement Team will investigate to identify those responsible. If no evidence found, the waste will be removed by the Council and residents of all properties adjacent to the alleyway sent letters reminding them of their responsibilities and that they will be held liable for the costs of any future clearance.

In respect of fly tips on Council land or green spaces owned by the Council responsibility for clearance rests with the local authority.

In response to a supplementary question, the Cabinet Member added that the service was fair across the borough and that each case was dealt with on its own merits. He was however happy to investigate any cases of apparent lack of

consistency of approach to clearance of flytips, if these could be forwarded to him.

Community Hubs and Library Centres

5) To the Leader of the Council (Councillor Damian White) From Councillor Martin Goode

What is the Council's vision of the operating module for the proposed Community Hubs and what extra facilities will they generally provide for the public. In particular, where existing Library buildings and their services may be impacted.

Answer

Officers are in the process of exploring the potential to develop Community Hubs in Havering. At present, no decisions have been made as to the location, delivery model, service offering or facilities to be provided until we have engaged with key stakeholders, most importantly the community, to explore how best to meet local needs.

There is no doubt that we need to look at ways we can improve the customer experience across the public estate in Havering, while getting better value out of the buildings that we own.

The concept behind community hubs is to look at opportunities to bring neighbourhood services under one roof with better facilities, accepting that there may be fewer buildings overall.

In Romford alone there are 63 public buildings within a few miles. Is there a way of bringing some of these services together with better facilities in a way that improves customer access and the customer experience?

Officers are also looking at buildings and land the Council owns or manages, as part of our new Strategic Asset Management Plan, to make best use of them now and in the future. This includes a separate review of our front doors, i.e. buildings that have significant public access.

The review includes libraries along with other public services, but it is important to stress that our aim is to maintain and improve library services, including looking at things like longer opening hours in busier libraries. We are not looking to close any library service. Through our approach we want to strengthen the way we work with the voluntary sector and wider community to deliver the best possible service within our financial constraints.

In response to a supplementary question, the Cabinet Member added that there would be no loss of overall provision of library services under the Community Hubs model and that a paper on this would be brought to Cabinet in due course.

Housing Targets and the London Plan

**6) To the Leader of the Council (Councillor Damian White)
From Councillor Ray Morgon**

In the new draft London Plan from the Mayor of London he intends to raise his housing target to 60,000 homes per year and no doubt Havering will have to take its share of this increased target. Would the Leader of the Council agree that this much higher housing target threatens “Keeping Havering Special”?

Answer

The Council commented very robustly in Spring 2018 to the public consultation on the draft London Plan. It said that the Mayor’s target was ‘totally unacceptable, unachievable and unsustainable to the point of changing the unique and open character of Havering for the worse’.

The Council’s response said that there are fundamental flaws underlying the housing targets in the draft London Plan meaning that they are unrealistic and unachievable for Havering (and many other Outer London Boroughs). Havering specifically identified how the Mayor had identified housing need and the contribution expected to come from ‘small sites’ as being flawed.

The Council’s response said that the Mayor’s housing targets will be wholly incompatible with Havering being able to continue to safeguard the borough’s open and suburban character and appearance and will be to the detriment of Havering as a place where people want to live and businesses wish to invest.

Havering’s response concluded that the provision of homes in Havering in line with the London Plan targets will herald very damaging and irreversible change to the character of Havering.

The Council will continue to strongly oppose the targets in the new London Plan and is seeking to do this at the Examination in Public into the London Plan in 2019.

It is essential that the Council’s political leadership maintains its commitment to ‘Keeping Havering Special’ but it has to do this in a manner which recognises that Havering is part of the wider community and not an island. We will not be in a position to decide every planning application itself and in some instances it has to accept that there are planning applications it will only influence rather than determine.

It is how we use this influence, to protect and enhance our community rather than trying to stop the development from coming altogether, as can only lead to the designation of our planning functions and the loss of that influence and potentially millions of pounds in new homes bonus.

Mr Mayor, this is why I am so excited about championing the master planning of our communities, which will strengthen our position in determining planning applications, as well as supporting the evolution of our Towns and Communities.

In response to a supplementary question, the Leader of the Council stated that the National Audit Office had stated that the Government had overestimated the amount of housing that would be required. He felt that the Government should consider a wider range of measures to deal with the housing crisis. The Council would oppose unrealistic housing targets and would fight tooth and nail to protect the special nature of the borough.

Affordable Homes in the Borough

7) To the Cabinet Member for Housing (Councillor Joshua Chapman) From Councillor Graham Williamson

Given the growing number of properties in Havering, what is, and will, the Council be doing to ensure that developers and Housing Associations will market homes for sale, and ensure affordable homes go to Havering residents to at least ensure our housing waiting lists are cleared.

Answer

The Council's own ambitious regeneration programme will see a significant increase in much needed new homes and affordable housing.

In regards to our own housing for sale, each development scheme will have its own bespoke marketing strategy which will reflect the unique characteristics of the scheme, for example: locality, property types and amenities.

In respect of affordable housing, it is governed by the Council's Allocation Policy which requires, amongst other things, at least 6 years continuous residency within Havering. This means that it is local people that will be able to access our new rented homes, which will have a positive effect on the council's waiting list.

In addition, the Council also engages with housing associations and developers to ensure that the Council has 100% nomination rights for the affordable units on new developments and to push for these nomination rights to be available in perpetuity.

In response to a supplementary question, the Cabinet Member added that he wanted developers to deliver as much affordable housing as possible and that the Council sought to positively influence developments.

Cost of Romford market

**8) To the Leader of the Council (Councillor Damian White)
From Councillor Clarence Barrett**

How much Council funding (excluding TfL) has been spent on the Romford Market over each of the last three years in each of the following two categories?

	Capital/Investment/One-off	Revenue (day to day)
	£'000	£'000
2017/18	£30,341	£111,231
2016/17	£221,000	£95,260
2015/16	0	£44,679

Answer

The 2016 / 2017 capital investment reflects the feasibility work carried out, in conjunction with the GLA, looking at options to revitalise the market.

2017 / 2018 and continuing into the current year – is a fact-finding process with investment going towards a transformation plan, which looks to produce strong evidence to deliver a robust transformation strategy over the coming months

This work is important, because just like trends seen across London and the UK, high streets and local markets continue to struggle. For Romford Market this trend has resulted in a decline of licensed and casual traders of 38 percent – down from 136 traders in 2010 to 84 traders at the end of 2017-18.

Romford Market is an important part of Havering's rich heritage and unique history. This administration is determined to follow through on our election manifesto pledge, to do all we can to return the market to its former glory and to make Romford a special destination for the whole community in Havering.

In response to a supplementary question, the Leader of the Council that he would check any differences between the figures and those in the Council's statement of accounts and provide an update to Members.

Council Powers over Unauthorised Vehicle Trading

**9) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Keith Darvill**

What powers of investigation does the Council have, if any, to obtain evidence from the DVLA and HMRC to enable prompt enforcement where residential dwellings are being used unlawfully by occupiers for vehicle trading?

Answer

The Council works in collaboration with the DVLA and HMRC and has no formal powers to instruct these agencies to supply data.

The Council's Enforcement team do investigate reports of vehicles being advertised for sale on the highway and have powers under Section 38 London Local Authorities Act 1990 and Anti-Social Behaviour Police and Crime Act 2014 to seize vehicles as evidence and prosecute rogue traders. In these circumstances, to confirm or disprove evidence of suspected offences the Council will verify vehicle ownership details with the DVLA.

The Planning enforcement leads on investigating allegations that a car sales business is operating from a residential property without the requisite planning permission. The Council does liaise with the other agencies including the DVLA and HMRC to support with any enforcement. If there are any criminal allegations such as sale of unroadworthy or 'clocked' vehicles, and/or if consumers are being misled into believing they are purchasing from a private individual then Trading Standards would be take the appropriate action.

In response to a supplementary question, the Cabinet Member added that he was happy to investigate reports of unlawful vehicle trading if these could be forwarded on.

Preparations for Road Safety for the Forthcoming Winter Months

**10) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Brian Eagling**

Is the Council organised and prepared for the winter weather conditions regarding roads and shopping areas in our Borough for 2018/19?

Answer

I thank Councillor Eagling for the question.

I can assure you that Havering's winter gritting service is prepared and ready for action again this winter. The Council has two thousand tonnes of gritting salt in storage with access to more if necessary.

Our winter service officially commenced on the 1st of November with an on-call system in place should frost or snow be forecast. Gritting routes are well established, with priority given to main traffic routes, keeping schools accessible, and enabling the waste collections to take place on time. It's not always an easy job so the teams need to remain vigilant and focused.

When the Beast from the East hit us earlier this year, I think we can all agree that the service did a great job in keeping Havering moving at what was a very challenging time. At a time when other parts of London ground to a halt, I was proud of the numerous compliments received from members of the public about the service.

The winter service plan is published annually and members of the public can view it on the Council's website.

(No supplementary question asked).

Councillor Surgeries

**11) To the Leader of the Council (Councillor Damian White)
From Councillor Stephanie Nunn**

The Leader of the Council recently held a "Councillor Surgery" in Elm Park Library. Would the Leader of the Council confirm who paid for the hire of the room and will a member of Democratic Services be available to any Councillor wishing to hold a "Councillor Surgery"?

Answer

The 'Meet the Leader' surgeries, held recently in libraries across the borough, are an extension of the 'Meet the Leader' borough-wide events which have been in operation for a number of years. Following lower take up of attendance at previous 'Meet the Leader events' which were held in a number of venues including supermarkets, it was decided to move the surgeries to the Council's libraries where residents could sit with me face to face to discuss issues they wished to raise.

I must stress that these are not 'councillor' surgeries as stated in the question. The 'Meet the Leader' surgeries are an opportunity for residents to raise issues of concern and suggest ways the council can further improve its services directly with the Leader of the Council. The operation of the surgeries is overseen by staff using council resources, supporting me in my role as Leader of the Council.

In response to a supplementary question, the Leader of the Council stated that the surgeries were an extension of his well-established service which enabled him to meet residents. The surgeries were also promoted via Council publications and the Leader wished to go out to all communities across Havering. He was happy to also provide details of forthcoming surgeries etc in other publications.

Leisure Contracts in the Borough

**12) To the Leader of the Council (Councillor Damian White)
From Councillor David Durant**

The composite Council contribution to the very expensive £28.8m Romford Leisure Centre was £26.726m. This involved £21.950m from the "asset swap" and a further council contribution of £4.776m, with an additional £2.074m from Sports England. The old ice rink site now has planning permission for 620 flats which increases the value of the council asset swapped from £21.950m to 620 x the gross average value of a central Romford flat. Even a modest £200,000 delivers £124m.

In other words, rather than develop the old ice rink site ourselves to make a profit and funding stream to offset cuts in government funding, the Council sold an asset cheap to pay upfront for an overpriced leisure centre. In view of this does the Council Leader believe council taxpayers got a good deal from the “asset swap”?

Answer

Morrisons provided the Council with a new town centre site for the Sapphire Ice & Leisure Centre and in addition contributed a further £22m. The new Leisure Centre is now open and is proving to be a wonderful facility for the residents of Havering, with an average of over 53,000 visits per month since opening.

Morrisons decided not to proceed with its own scheme on the old ice rink site and instead openly marketed the site for sale. It is known that that this was sold by the Company at a very substantial loss, not a profit. Indeed, the Council received substantially more from Morrisons than the value of the site and received a replacement site as well so this was a good deal for the Council.

A Viability Assessment for Rom Valley Way (the former Romford Ice Rink site) has been undertaken recently by the Council as part of the planning process and the value of the scheme which recently received planning permission is £24m.

In response to a supplementary question, the Leader refuted suggestions that Elm Park and South Hornchurch should be grouped together with Rainham. He had spoken to local people who were not happy to be classified as Rainham. He also felt that the questioner’s approach was not based on reality.

Service Delivery in Neighbourhoods Directorate

**13) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Chris Wilkins**

Following our Group raising serious concerns with the Chief Executive and other officers over issues including Gerpins Lane, Hoppy Hall car park and the ladies public toilets in Upminster, can the Cabinet Member for Environment please give us assurances over what steps will be taken to improve the service delivery of the Neighbourhoods Directorate?

Answer

The recent Ipsos Mori survey showed many services in the Neighbourhoods Directorate, including waste collection and street cleansing are highly regarded by our residents.

While it’s always important to seek to continuously improve our services, the insinuation that the service is poor is insulting to the many hardworking managers and staff across the Directorate delivering excellent work.

Regarding your specific points the Gerpins Lane Re-use and Recycling Centre is operated by Renewi under contract to the East London Waste Authority. The

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Council therefore does not have direct control over the site or the contractor. Council officers have however raised concerns with ELWA about the way the initiative, aimed at preventing commercial waste being disposed of at the facility, was communicated and this has been addressed. Havering officers, along with officers from the other ELWA Boroughs and ELWA itself continue to review the process to see if it can be improved.

Regrettably, the ladies' toilet in Upminster has been closed regularly over recent months due to continual blockages due to vandalism and incorrect items being disposed of within the toilets. New arrangements have been put in place to enable the correct disposal of sanitary waste to resolve the matter and the cleaners are encouraged to report any problems immediately.

The Hoppy Hall Car Park had a rare incident in Summer when an illegal and dangerous driver crashed through a fence into a resident's garden. The fence was repaired to the resident's satisfaction,. Regarding fly-tipping, the site is normally checked daily by officers. Officers recently reported a couple of littering issues to the car park manager, who had them resolved, and no further problems have been reported.

In response to a supplementary question, the Cabinet Member added that the Directorate was currently undergoing a comprehensive service by service review using external management methods.

Council Budget

14) To the Leader of the Council (Councillor Damian White) From Councillor Paul McGeary

The Chief Secretary to the Treasury (RH Liz Truss MP) stated on BBC TV's Newsnight Programme on 3rd October 2018 "we are not making cuts to local authorities" and the Prime Minister stated at the recent Conservative Party Conference that "austerity has ended". If these statements are accurate and not intended to be misleading why is the Council planning to save £38 million in its MTFS over the next 4 years?

Answer

The Council is not proposing to save £38million but proposing to close a budget gap of £38million. Raising Council Tax would not be enough on its own to do this and so the Council is seeking to address the gap through a savings programme. As well as identifying potential departmental savings, a Transformation Programme has been developed that aims to not just make efficiency savings but also to improve outcomes for residents.

After eight long years of austerity in order to "fix the roof sold under the Labour Government", the Chancellor has now announced additional funding to support local government, mainly for 2018/19 and 2019/20:-

- £45m of additional funding for Disabilities Facilities Grant in 2018/19;

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- £420m in 2018/19 to tackle pot holes and other road highways works; Havering has been allocated £895k
- £400m of in-year capital funding allocations to schools in 2018/19;
- £650m of extra Social Care funding for English Local Authorities in 2019/20;
- An additional £84m of Children's Services funding over 5 years, but across only 20 councils.

In addition he has announced the following further support to local areas:-

- For two years up until the next Revaluation in 2021 all retail premises with an rateable value below £51,000 will have their bills reduced by one third; on past precedent it would be expected that Local Authorities will be to be compensated for this measure through s31 grant;
- £675m of co-funding will be provided through a new "High Streets Fund" to assist with rejuvenation of High Streets and, in particular, changing unused business and commercial property into residential accommodation;
- Additional funding for the Housing Infrastructure Fund of £500m will be provided;

The July 2018 Medium Term Financial Strategy report identified a budget gap of £37.8 million based on the information available at that time. Unfortunately, the reality is that there continues to be huge uncertainty regarding future funding for local government.

The formal 2019 Spending Review will be announced during the course of 2019 and will set departmental budgets from 2020/21. The eventual impact on local government, as compared to Health, Education, Defence, the Home Office and other central government departments, will not be known until then.

Recent analysis from the Office for Budget Responsibility, post the October 2019 Budget Statement from the Chancellor, anticipates very little increased funding for any public service except the National Health Service (NHS).

In addition, the Council is still awaiting the results of the 2020/21 Local Government Fair Funding Review which is a review of the formula for distributing funding across local government. This will have an impact on how the total expenditure envelope for local government will be split between individual councils. At this stage it is impossible to predict whether Havering will be a winner or a loser from the review but the concern is that urban areas in the south will lose and rural areas in the north will gain.

Finally, Havering is still experiencing pressures in demand in areas such as adult social care, children's services and homelessness. It is far from clear that the

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government plans to recognise either the national pressures faced by local government or the local pressures affecting individual councils.

Taking into account this uncertainty, it is crucial that the Council is prudent in its budget assumptions and plans for all eventualities.

In response to a supplementary question, the Leader of the Council stated that the Council would do everything possible to avoid cuts in services to the most vulnerable residents. The transformation programme would help achieve this via the recently published Medium Term Financial Strategy.

Hornchurch Police Station

**15) To the Leader of the Council (Councillor Damian White)
From Councillor Sally Miller**

In a recent Conservative leaflet in Elm Park Ward, it is stated that Hornchurch Police Station has been purchased by Havering Council. Would the Leader of the Council confirm the full details of the purchase

Answer

This proposed acquisition arises from the outcome of a Judicial Review legal challenge to the London Mayor's Police Access Strategy. The legal action was settled by the parties on the basis of an agreement proposing an option to purchase the freehold of Hornchurch Police Station and to leaseback to provide continuing police services.

An Executive Decision of the Chief Executive of 19th July 2018 authorised the Council to formally enter into an Option Agreement. This will occur as soon as detailed legal documentation is finally agreed between MOPAC and the Council. This is currently at a very advanced stage.

The reason for the initial legal action arose out of proposals in the Mayor's Police Access Strategy, in respect of which the London Borough of Havering was significantly concerned about proposals to close local Safer Neighbourhood Bases and Contact Points.

The Mayor's proposals were of particular concern to the Council, as it would leave some residents in the south of the borough having to travel over an hour each way by public transport to access the borough's only front counter.

Whilst the Council fully understood the need for the MPS to realise cost savings, the Council took the view that the unique geographical size and demographic challenges of Havering should have been taken into account by MOPAC and the MPS in its decision making.

As highlighted in the Council's response to the consultation, Havering is the third largest London Borough and to be left with just one publicly accessible police base to serve a borough of this size is unsustainable

An agreement has been reached with MOPAC that seeks to align the Council's desire on the retention of police services whilst allowing MOPAC to achieve its objectives on rationalising its property estate by disposing of the site of the Hornchurch Police Station to the Council at market value, with space in the building then being leased back from the Council in order to provide a police presence at the site, alongside possible Council services and a wider multi-agency service offering.

This would be offered on the basis of the MPS continuing to provide a minimum of the three hours per week public contact time that is currently provided through the CCS model. In addition, Beat Officers would be based at the Station - starting and finishing local patrols from this base to cover the 3 wards.

The Option Agreement and a Memorandum of Understanding is now pending final agreement and legal exchange. When in place the Council may exercise the option to purchase the site either by agreement with MOPAC or in the event the parties, having used their reasonable endeavours, have not agreed the purchase price the price has been determined by an independent expert. The Option remains open until this process has concluded.

When the Council exercises the Option, it is then for the MOPAC to set the completion date for the Council to acquire the property. This is defined in the Contract as no less than 2 months and no more than 12 months after the Council had exercised the option to buy. This is to provide the Police Service sufficient time to mobilise and decommission the property, accepting that under the proposed arrangements the agreed level of Police Services will be retained for 10 years

The Council is not bound to exercise the option but may choose to do so in the period of the option agreement. By contrast, MOPAC is contractually obliged to sell to the Council at the agreed or determined price in the event the Council exercises the option.

In exercising the option, the Council will want to be satisfied that the purchase price represents good value for money and that the site can be utilised for purposes that will be of benefit to the Borough and that justify the purchase. This is expected to be the position.

In terms of the future use of the property, a review is being undertaken of the future use potential. This includes possible use of the property as a community hub with possible Council and multi-agency users, which would be alongside the police use that is assured as part of the agreement to acquire the property. It is also agreed that the Council can relocate the police use – at the same level of provision – into an alternative property in

the area. This would allow the police service still to be part of a community hub in the event that the current review work concludes on a different location for a community hub to serve this area.

The property is of course a bespoke Police Station on a large site with associated specialised structures, a number of which are functionally obsolete for an alternative use. Consequently, it is appropriate that development options are identified to ensure that the value of the Council's acquisition can be fully maximised for the future in a scheme that could preserve or relocate police occupation whilst delivering other benefits such as community, public service of housing use.

For this reason, it is proposed that the purchase of the site be novated or sub-sold to Mercury Land Holdings on the same option terms, which is permitted under the option agreement. Mercury is a wholly owned Council company that will work to the Council's direction on ensuring the future potential use of the site meets the overall aims and aspirations of the Council, whilst protecting police services. As mentioned previously, it is open to the Council to provide alternative accommodation for the Police in this part of the borough if this is considered to be the best way forward in the future, but essentially protecting the provision of police services in this part of the borough for the next 10 years.

In response to a supplementary question, the Leader of the Council refuted suggestion that a recent Conservative Party leaflet had stated that the Council had purchased the Police station.

VOTING RECORD

<i>DIVISION NUMBER:</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
The Mayor [Cllr. Dilip Patel]	✓	✓	✓	✗	✓	✓
The Deputy Mayor [Cllr. Michael Deon Burton]	✓	✓	✓	✗	✓	✓
<u>CONSERVATIVE GROUP</u>						
Cllr Robert Benham	✓	✓	✓	✗	✓	✓
Cllr Ray Best	✓	✓	✓	✗	✓	✓
Cllr Joshua Chapman	✓	✓	✓	✗	✓	✓
Cllr John Crowder	✓	✓	✓	✗	✓	✓
Cllr Philippa Crowder	✓	✓	✓	✗	✓	✓
Cllr Osman Dervish	✓	✓	✓	✗	✓	✓
Cllr Jason Frost	✓	✓	✓	✗	✓	✓
Cllr Judith Holt	✓	✓	✓	✗	✓	✓
Cllr Robby Misir	✓	✓	✓	✗	✓	✓
Cllr John Mylod	✓	✓	✓	✗	✓	✓
Cllr Nisha Patel	✓	✓	✓	✗	✓	✓
Cllr Bob Perry	✓	✓	✓	✗	✓	✓
Cllr Viddy Persaud	✓	✓	✓	✗	✓	✓
Cllr Roger Ramsey	✓	✓	✓	✗	✓	✓
Cllr Timothy Ryan	✓	✓	✓	✗	✓	✓
Cllr Carol Smith	✓	✓	✓	✗	✓	✓
Cllr Christine Smith	✓	✓	✓	✗	✓	✓
Cllr Matt Sutton	✓	✓	✓	✗	✓	✓
Cllr Maggie Themistocli	✓	✓	✓	✗	✓	✓
Cllr Christine Vickery	✓	✓	✓	✗	✓	✓
Cllr Melvin Wallace	✓	✓	✓	✗	✓	✓
Cllr Ciaran White	✓	✓	✓	✗	✓	✓
Cllr Damian White	✓	✓	✓	✗	✓	✓
Cllr Michael White	✓	✓	✓	✗	✓	✓
<u>RESIDENTS' GROUP</u>						
Cllr Nic Dodin	✓	✓	✗	✗	✓	✗
Cllr Paul Middleton	✓	✓	✓	✗	✓	✓
Cllr Sally Miller	✓	✗	✗	✗	✗	✗
Cllr Raymond Morgon	✓	✓	✓	✗	✓	✓
Cllr Barry Mugglestone	✓	✓	✗	✗	✓	✓
Cllr Stephanie Nunn	✓	✗	✗	✗	✗	✗
Cllr Gerry O'Sullivan	✓	✓	✓	✗	✓	✓
Cllr Reg Whitney	✓	✓	✓	✗	✓	✓
<u>INDEPENDENT RESIDENTS' GROUP</u>						
Cllr David Durant	✓	✗	✗	✓	✓	✗
Cllr Tony Durdin	✓	✗	✗	✓	✓	✗
Cllr Jan Sargent	✓	✗	✓	○	✓	✗
Cllr Natasha Summers	✓	✗	✓	○	✓	✗
Cllr Jeffrey Tucker	✓	✗	✗	✓	✓	✗
Cllr Graham Williamson	✓	✗	✓	○	✓	✗
<u>UPMINSTER & CRANHAM RESIDENTS' GROUP</u>						
Cllr Clarence Barrett	✓	✗	✗	✗	✓	✗
Cllr Gillian Ford	✓	✗	✗	✗	✓	✗
Cllr Linda Hawthorn	✓	✗	✗	✗	✓	✗
Cllr Ron Ower	✓	✗	✗	✗	✓	✗
Cllr John Tyler	✓	✗	✗	✗	✓	✗
Cllr Christopher Wilkins	✓	✗	✗	✗	✓	✗
<u>LABOUR GROUP</u>						
Cllr Carole Beth	✓	○	✓	○	✗	✗
Cllr Keith Darvill	✓	○	✓	○	✗	✗
Cllr Tele Lawal	✓	○	✓	○	✗	✗
Cllr Paul McGeary	✓	○	✓	○	✗	✗
Cllr Denis O'Flynn	✓	○	✓	○	✗	✗
<u>NORTH HAVERING RESIDENTS' GROUP</u>						
Cllr Brian Eagling	✓	✓	✓	✗	✓	✓
Cllr Martin Goode	✓	✓	✓	✗	✓	✓
Cllr Darren Wise	✓	✓	✓	✗	✓	✓
<i>TOTALS</i>						
✓ = YES	54	35	41	3	47	34
✗ = NO	0	14	13	43	7	20
○ = ABSTAIN/NO VOTE	0	5	0	8	0	0
ID =INTEREST DISCLOSED/NO VOTE	0	0	0	0	0	0
A = ABSENT FROM MEETING	0	0	0	0	0	0
	54	54	54	54	54	54

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COUNCIL, 23 JANUARY 2019

REPORT OF CABINET

BRIDGE CLOSE, ROMFORD – PURCHASE OF RESIDENTIAL PROPERTIES ON WATERLOO ROAD AND OLDCHURCH ROAD

At its meeting on 29 November 2018, Cabinet considered and agreed a report (attached) recommending the purchase of all residential properties in the Bridge Close redevelopment area that are not in Council or Joint Venture ownership through private treaty. The report proposed that the properties acquired be subsequently transferred to the Joint Venture in accordance with the terms of the Joint Venture legal agreement signed in April 2018. The proposed purchase would require the agreement by Council of an adjustment to the HRA Capital Programme to provide sufficient funding for the Council to acquire the privately owned residential properties through private treaty.

Accordingly, it is recommended:

- 1. That Council agree to include sufficient financial provision as set out in Appendix A of the attached Cabinet report to enable the private treaty purchase of the 23 residential properties on Waterloo Road and Oldchurch Road, Romford.**

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CABINET

29th November 2018

This Cabinet Report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 2 and 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to information, which is likely to reveal the identity of an individual and includes price sensitive information in relation to the proposed acquisition of residential interests; and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Subject Heading:

Bridge Close, Romford - purchase of residential properties on Waterloo Road and Oldchurch Road

SLT Lead:

Neil Stubbings - Regeneration Programme Director

Report Author and contact details:

Nick Gyring-Nielsen – Senior Regeneration Manager
T 01708 434 612

Policy context:

London Plan 2011 and Draft London Plan 2019 - 2041

Havering Local Development Framework, Romford Area Action Plan 2008 and Romford Development Framework 2015

Havering Proposed Submission Local Plan 2017

Bridge Close Business Plan and Joint Venture Partnership Agreement - Cabinet November 2017

Bridge Close, Finalisation of Legal Agreements to enter into a Limited Liability Partnership – Executive Decision March 2018

Financial summary:

The cost of acquiring residential properties not in Council or Joint Venture ownership is set out in Appendix A.

It is proposed that properties acquired may subsequently be transfer to the Joint Venture as part of the Council's equity

contribution as agreed by Council in February 2018, and in accordance with the terms of the Joint Venture legal agreements. Prior to transferring to the Joint Venture, it is proposed that the properties be used as temporary accommodation.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

SUMMARY

The Bridge Close redevelopment area includes residential properties, which front onto Waterloo Road and Oldchurch Road. These are owned by the Council, the Bridge Close Regeneration LLP (the Joint Venture) and private owners. This report proposes that the Council should seek to purchase **all** of the privately-owned residential properties not in Council or Joint Venture ownership through private treaty. The expected cost of acquiring the residential properties not in Council or Joint Venture ownership is set out in Appendix A.

It is proposed that properties acquired may be subsequently transferred to the Joint Venture as part of the Council's equity contribution as agreed by Council in February 2018, and in accordance with the terms of the Joint Venture legal agreements signed in April 2018. Prior to transferring to the Joint Venture, it is proposed that the properties be used as temporary accommodation, to assist to reduce General Fund pressures around homelessness.

The proposal constitutes an adjustment to the HRA Capital programme to provide sufficient funding for the Council to acquire the privately owned residential properties through private treaty.

RECOMMENDATIONS

That Cabinet:

1. **Agree** to the Council entering into direct negotiations with landowners to purchase up to 23 residential properties on Waterloo Road and Oldchurch Road, Romford through private treaty.
2. **Agree** to delegate to the Director of Regeneration authority to take all necessary steps to enable and complete the acquisitions outlined in Resolution 1 above following consultation with the Director of Finance; that includes the authority to approve the terms to enable of the acquisition by private treaty, any financial arrangements for relocation of current land owners or tenants, completion of relevant agreements and appointments of relevant professionals.
3. **Agree** that in the event that Cabinet agrees resolutions 1 and 2 above to agree to recommend to Council to include sufficient financial provision as set out in Appendix A, to enable the private treaty purchase of the 23 residential properties on Waterloo Road and Oldchurch Road, Romford.
4. **Note** that the transfer of the properties acquired via this Cabinet decision may be transferred to the Bridge Close Regeneration LLP in accordance with the terms set out in the Land Acquisition Strategy, the Land Agreement and the Members Agreement.

REPORT DETAIL

1 Background

a) Relevant decisions taken

- 1.1 In June 2016 Cabinet approved an in-principle vision for Bridge Close which included that the Council enter into direct negotiations with land owners of residential properties on Waterloo Road and Oldchurch Road, Romford to purchase these properties through private treaty.
- 1.2 In November 2017 Cabinet approved a Limited Liability Partnership (“the Joint Venture”) for the purpose of meeting the Council’s regeneration objectives for Bridge Close and, authority to enter into a number of legal agreements including a Members’ Agreement and a Land Agreement. The Land Agreement in particular governs the arrangements for assembly of the Bridge Close site, including the residential properties.
- 1.3 The decisions made by Cabinet in November were subject to the approval of funding by Council in February 2018. In March 2018 the Leader made an Executive Decision, which executed the recommendations agreed by Cabinet in November 2017. The Council entered into the legal agreements in April 2018.

b) Current ownership

- 1.4 The Council currently owns 6 properties within the Housing Revenue Account (HRA).
- 1.5 Cabinet gave approval in June 2016 to enter into negotiations with owners as part of our involvement in the regeneration of Bridge Close. 4 properties were acquired.
- 1.6 1 additional property is expected to complete before the end of this calendar year in accordance with an Executive Decision of 19th July 2018.
- 1.7 This means the Council will own 11 properties by the end of 2018.
- 1.8 There are 26 further residential properties within the Bridge Close regeneration area. 3 of these properties are under option to Bridge Close Regeneration LLP (the Joint Venture), leaving 23 properties to be acquired. This report relates to these 23 properties.

2 Rationale for Council purchase of residential properties

a) The Joint Venture's Land Acquisition Strategy

2.1 Further to the Land Agreement, the Joint Venture will ultimately own all properties that will be required to enable the approved regeneration. This will be a combination of properties that:

- the Joint Venture already owns or has an agreement in-place to purchase;
- the Council already owns and which will transfer to the Joint Venture;
- are acquired by either the Joint Venture or the Council by private treaty negotiations; and
- are secured by the use of Compulsory Order Powers (CPO)(subject to approval by Cabinet and with the agreement of the Secretary of State) which will be acquired by the Council and then transfer to the Joint Venture.

2.2 Transfer of land interests, and the indicative timing, from the Council to the Joint Venture is reflected in the Joint Venture's Business Plan. Any transfer of Council's land interests will form part of its equity contribution to the Joint Venture.

2.3 The Joint Venture Land Acquisition Strategy provides the option and anticipates that the Council will acquire residential properties by private treaty based on Compulsory Purchase Order compensation and then transfer the land when required by the Joint Venture. This is the approach recommended in this report in respect of the remaining 23 privately owned residential properties. For clarity, the commercial property interests will be purchased by the Joint Venture who is making progress towards amicable acquisitions.

2.4 The date at which land will be required by the Joint Venture is dependent on the progress of the overall project, including the design and planning programme. Subject to approval by Cabinet, the Joint Venture will commence discussions to purchase the private residential properties during 2019 with the aspiration to complete the acquisition of all interests through private treaty as soon as possible and by mid-2020 at the latest. This timescale is based on the assumption of submitting a planning application in Spring 2019. Prior to transfer, the acquired properties will be used by the Council for temporary accommodation.

b) Advantages and disadvantages of early Council purchase

2.5 This section sets out advantages and disadvantages of Council purchase; the detailed financial and legal implications and risks are set out in later sections of the report.

i) Advantages

- Any early purchase assists the overall land assembly process and reduces the risk of problems at a later stage, for example if a third-party purchases a property in the erroneous belief that a significant 'ransom' profit can be made.
- The Council is protected against any loss as a result of adverse market development by provisions in the Land Agreement guaranteeing the Council will be reimbursed the purchase price and related costs. This is addressed later in the report.
- The Council is able to use properties as temporary accommodation to house homeless people in Havering, until such time as the properties may be required for regeneration. This reduces financial pressures in the General Fund associate with homelessness.
- Owning a higher proportion of the properties would give the Council a greater influence in future if for any reason the proposed redevelopment of Bridge Close does not proceed or later phases are not completed.

ii) Disadvantages

- Settled private tenants would be faced with a loss of their home earlier than would otherwise be the case unless there are circumstances in which the Council can continue to let to them.
- Whilst some of the properties are in a good condition, others will require investment in order to bring them to the required standard for use as temporary accommodation. The cost of refurbishment is off-set against the savings/income generated in the financial implications section of this report.
- A financial loss may be incurred if properties are acquired but the redevelopment does not proceed or later phases are not completed and the market drops. In that scenario the Council would retain ownership and assess the options available at the time.
- Similarly, the Council would not be able to recover costs associated with the purchase of properties if they do not transfer to the Joint Venture.

3 Consultation and Next Steps

- 3.1 The Council has previously consulted with owners of residential property at Bridge Close at a Public Meeting held in October 2016, on the principle of regeneration, the making of offers for purchase 2016 and 2017, and more recently, by way of letter in September 2018 in relation to the Public Consultation Events underway in anticipation of submitting a planning application in Spring 2019. In this communication, the Council has restated

its commitment to purchase the remaining residential interests not in Council or JV control subject to release of funding in Autumn 2018. The Public Consultation held in September 2018 also provided the opportunity to engage with owner-occupiers and tenants and to outline the options and support available to them. Further Public Consultation events have been scheduled for November 2018 and in the beginning of 2019.

- 3.2 Subject to approval being granted by Cabinet, steps will be taken as soon as practicable to negotiate the purchase of the remaining 23 properties.
- 3.3 Where special circumstances apply, for example in relation to identified vulnerable residents, additional consultation through the Council's Housing and Access teams may be appropriate. Appropriate resources, funded by the JV, are in place. Furthermore, specific arrangements for existing owners to remain in their property may be agreed subject to entering into a lease from the Council until such time as the property may be required by the JV for redevelopment. It is noted that one of the properties identified does relate to a vulnerable person.

IMPLICATIONS AND RISKS

4 Financial implications and risks:

- 4.1 The report considers a proposal to acquire residential land interests on the Bridge Close development site. The proposal is to acquire the properties in advance of a subsequent transfer to the Bridge Close Regeneration LLP (BCR LLP). During the period of Council ownership, the properties will be provisioned for use as short life temporary accommodation. The proposal will have direct implications for both the Council and BCR LLP.
- 4.2 The financial information is detailed in the Exempt Appendix A.
- 4.3 The key financial risks are set out in Table 3 below:

Table 3 Risk Assessment		
Risk	Impact	Mitigation
House prices (reduction)	Reduction in values likely to be reflected across the scheme. Likely to impact on viability and therefore partners would consider putting scheme on hold until market conditions improved or scheme cancelled.	LBH would continue to let out the properties until scheme restarted. If scheme cancelled consider disposing of assets.
Borrowing costs (increase)	Adversely impact on revenue, increasing deficits	Likely to secure fixed rate borrowing from PWLB. Modelling assumes 3.0%.
Voids and Bad Debt (increase)	Increased void levels will adversely impact on revenue.	Given demand for temporary housing in borough, it is unlikely that properties will stay empty for very long.
Repairs (tenant damage)	If not managed damage to properties will result in increased repair allowances.	Robust property and tenant management procedures.

5 Legal implications and risks:

- 5.1 Sections 8 and 9 of the Housing Act 1985 impose a duty on local authorities to review housing needs in their district and provides them with related powers to provide housing accommodation by building and acquiring houses or by converting other buildings into houses. These powers can include provision via third parties.
- 5.2 Section 123 of the Local Government Act 1972 provides the Council with the power to dispose of non-housing land for best consideration. The Council will therefore need to demonstrate its compliance with section 123 when transferring, if any, land into the LLP. In order to demonstrate full compliance with section 123, the Council will need to take any necessary further independent valuation advice where necessary throughout the delivery of the project. However, the agreed position with the Joint Venture is that land will transfer at a full value with land acquisition costs refunded from the Joint Venture and therefore in accordance with section 123.
- 5.3 Acquisition by the Joint Venture of properties in the ownership of the Council is pursuant to steps at clause 5 of the Land Agreement dated 4th April 2018 ("Council Land"). Any Future Land transfer (anticipated land acquisitions)

are specified in the Land Acquisition Strategy which includes the privately owned residential properties on Waterloo Road and Oldchurch Road.

- 5.4 Additionally, Members are advised that the Council may rely upon the General Power of Competence (“general power”) provided for in Section 1 of the Localism Act 2011 to pursue the proposed development scheme and hence related purposes. The general power is a wide power which allows the Council to do anything that an individual may do (subject to public law principles), and subject to certain statutory limitations.
- 5.5 Members are correctly advised that officers consider that the proposed purchase of the residential properties are required in keeping with the terms of the Joint Venture Agreements which sets out best value approach and steps to be undertaken in such residential property acquisitions.

6 Human Resources implications and risks:

- 6.1 The Council’s lead role in acquiring residential properties is reflected in the Assistant Director Development’s staffing proposals for the Regeneration Team, supported by funding from the Joint Venture under a Services Agreement.
- 6.2 Council purchase of the residential properties may however impact on the work of other services, notably the Legal Service to complete transactions. The Council will recover all legal fees associated with the purchase of the properties at the time that the properties are transferred to the Joint Venture.
- 6.3 For vulnerable residents, and where appropriate, additional resource will be provided via the Council’s Housing and Access teams. This resource will be funded by the Joint Venture.

7 Equalities implications and risks:

- 7.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
 - (iii) foster good relations between those who have protected characteristics and those who do not.

Please note 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

- 7.2 The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.
- 7.3 A comprehensive Equality Impact Assessment (EIA) was undertaken in respect of the Bridge Close redevelopment and reported to Cabinet in November 2017. The preparation of the EIA included engagement with affected residents and businesses alongside a review of the wider Romford Town ward to establish a demographic profile of those affected. This broadly considered the impact of the proposal on these stakeholders, within the context of the protected characteristics. The EIA will continue to be monitored and updated as part of a process of continuous engagement with stakeholders.
- 7.4 The November 2017 report explained that there will be some adverse impact from the redevelopment of Bridge Close, particularly as a result of the displacement and disruption caused to existing businesses, staff, residents and their families, and some religious groups. To reduce this impact, the Council is working closely with those affected and offering a full package of support, through access to dedicated advice and assistance, through the offer of financial compensation, by offering a range of options to help residents move to a new home and providing businesses and other groups with help in finding and relocating to new premises, as well as additional support to encourage business improvement and sustainability in the future.
- 7.5 The report explained that the EIA concluded that the benefits of the Bridge Close redevelopment are likely to outweigh the adverse impacts identified. Most relevant to this report is that the overall number of residential properties in the area is expected to increase from 37 to over 1,000 with a target of at least 30% affordable homes.
- 7.6 It should be noted that the sale of properties by existing owners under the arrangement proposed in this report is voluntary. There may be some adverse impact on private tenants but this will be offset by the benefits for people entitled to temporary accommodation under homeless legislation.
- 7.7 Further to review, officers consider the Equalities Impact Assessment undertaken and reported to Cabinet in November 2017 remains relevant for the purposes of the Council's proposed acquisition of residential interest as set out in this report.

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

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COUNCIL, 23 JANUARY 2019

REPORT OF CABINET

UPDATE ON THE COUNCIL TAX SUPPORT SCHEME 2019 AND COUNCIL TAX SURCHARGE ON EMPTY HOMES

At its meeting on 29 November, Cabinet approved the attached report giving details of the proposed Council Tax Support Scheme from 1 April 2019 as well as a proposal to increase from 50% to 100% the surcharge rate of Council Tax for properties that have been empty for more than two years, with effect from 1 April 2019.

In accordance with Schedule 1A of the Local Government Finance Act 1992, Council is asked to consider and approve the proposed Council Tax Support Scheme to take effect from 1 April 2019.

A summary of the proposed Council Tax Support Scheme is given at appendix C of the report. The full proposed Council Tax Support Scheme is also shown for information, immediately following the Cabinet papers.

An eight week consultation with residents affected by the proposed 2019 Scheme took place from 1 August 2019. The outcome of the consultation is fully detailed in the Cabinet report and Appendix D for Members to review.

Members are required to have due regard to the Public Sector Equalities Duty and are therefore asked to review the Equalities Impact Assessment attached at Appendix B.

It is therefore **RECOMMENDED** that Council:

- 1. Agrees the adoption of the proposed Council Tax Support Scheme as summarised in Appendix C of the Cabinet report, with effect from 1 April 2019.**
- 2. Agrees an increase from 50% to 100% as a surcharge rate of Council Tax for the properties that have been empty for more than two years, with effect from 1 April 2019.**

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CABINET

Subject Heading:

Update on the Council Tax Support Scheme 2019 and Council Tax Surcharge on Empty Homes

Cabinet Member:

Councillor Roger Ramsey

SLT Lead:

Jane West

Section 151 Officer

Report Author and contact details:

Chris Henry

Head of Council Tax & Benefits

Chris.Henry@Havering.gov.uk

Policy context:

This report provides an update on proposed changes to the Council Tax Support Scheme 2019 and Council Tax Surcharge on Empty Properties following a public consultation.

Financial summary:

It is anticipated the proposed changes to the Council Tax Support Scheme 2019 will generate additional income from Council Tax estimated at £597,000.

Is this a Key Decision?

Yes

When should this matter be reviewed?

February 2019

Reviewing OSC:

Overview & Scrutiny Board

The subject matter of this report deals with the following Council Objectives

Communities making Havering

☐

Places making Havering

☐

Opportunities making Havering

☒

Connections making Havering

☐

SUMMARY

This report sets out the detail of the responses to the public consultation to change the Council Tax Support Scheme 2019 (CTS Scheme) and the Council Tax surcharge on properties empty for more than two years.

An overview of the existing Council Tax Support Scheme is attached to this report along with an Equalities Impact Assessment, proposed CTS Scheme, Risk Register and full version of the consultation outcomes.

RECOMMENDATIONS

Cabinet are asked to:

- Consider the responses to the Council Tax Support Scheme and Long Term Empty Homes Premium consultation
- Approve and recommend to Council the adoption of the proposed Council Tax Support Scheme as summarised in Appendix C with effect from 1 April 2019.
- Approve and recommend to Council an increase from 50% to 100% as a surcharge rate of Council Tax for the properties that have been empty for more than two years with effect from 1 April 2019

REPORT DETAIL

1 Background

1.1 The Council Tax Support Scheme 2019

- 1.2 The Council Tax Support Scheme (CTS) has been in place since 1 April 2013. The CTS grant was rolled into the settlement funding allocation (SFA) which has been reduced annually in line with core funding. The consequence of less funding is that councils are left with choices as to whether to increase Council Tax, reduce other services, increase other sources of income or make amendments to the Council Tax Support Scheme to manage the financial shortfall.

- 1.3 The precise figures for the reduction in the CTS grant are not exemplified as the CTS grant has been rolled in with the overall reduction in the RSG. The MTFS report reviewed by Cabinet Members on 25 July 2018 outlined a number of proposals to transform services to meet the financial pressures. Further reductions and changes could be made to other services to address the reduction in Government funding in relation to the Council Tax Support Scheme but these would be on top of the already significant savings and additional income proposals required to balance the Council's financial position in the medium term. It is therefore proposed that Council Tax Support Scheme is reduced as part of a range of proposals for balancing the Council's MTFS.
- 1.4 The review has highlighted options for change in line with other surrounding councils' existing schemes which have duly considered and protected claimants of pensionable age in accordance with law. Therefore the proposals for change would only affect working age applicants.
- 1.5 At Cabinet on 25 July 2018, eight options to change the Council Tax Support Scheme were considered that proposed changes to the CTS Scheme expenditure to varying degrees. Members recommended the option set out in paragraph 2.3 be considered for consultation.
- 1.6 Members recommended this option for consultation which proposes an additional 10% reduction in Council Tax Support for claimants without disabilities and only 5% reduction for claimants with disabilities. This will make the overall reduction 25% for working age claimants without disabilities and 20% for working age claimants with disabilities.
- 1.7 This option provided a proportionate contribution to balancing the Council's MTFS while at the same time being more affordable to claimants.
- 1.8 This option would mean that no single vulnerable group is unduly impacted by the change which is the equivalent of an estimated additional £1.15 per week to pay in Council Tax for claimants with disabilities. For working age claimants without disabilities, the estimated additional amount to pay in Council Tax would be £2.20 per week.
- 1.9 It has been proven through the Office of National Statistics that claimants with disabilities are less likely to be in employment than those claimants without disabilities. Therefore, it would be reasonable to maintain the CTS reduction at a lower level of 20% than for working age claimants without disabilities for whom the reduction is proposed at 25%.
- 1.10 In summary, the savings proposed through the CTS Scheme are considered reasonable and it is believed will not cause undue hardship to working age claimants.

- 1.11 A summary of other Council Tax Support London local authority schemes is appended (G) to this report for comparison.
- 1.12 Following Members' consideration of the financial position and agreement to the basis on which a draft revised scheme should be consulted on, the Council has consulted with the Greater London Authority in advance of members of the public and other interested parties.
- 1.13 Council Tax Support caseload information:

Date Council Tax Support Data extracted	June 2018
Total Working Age and Elderly CTS Caseload	15,161
Total Working Age Caseload	8,890
Working Age Disable Caseload (included in total above)	3,422
Total Elderly Caseload	6,271
Working Age Expenditure	£7,813,793
Elderly Expenditure	£6,708,676
Total Expenditure	£14,522,469

- 1.14 Council Tax Long Term Empty Homes Premium
- 1.15 Properties that are empty for more than two years are currently liable for a surcharge of 50%. Government has enacted legislation to provide the facility to increase the surcharge from 50% to 100% with effect from 1 April 2019.
- 1.16 The premium is important as an incentive to bring long term empty properties back into use, increasing the supply of housing. In June 2018, there were 187 properties in the borough that have been empty for two years or more and of which 70 are Council owned (eg they are being held vacant pending redevelopment).
- 1.17 An increase in the long term empty homes premium would generate additional income of £133,069 in 2019/2020. However, this proposal to increase the premium has been made to encourage owners to occupy their properties. Therefore, it is likely the additional income will reduce over time.

Owner	No. of Properties	Council Tax 2018/19 50% Premium	Council Tax 2019/20 100% Premium
Havering	70	£121,833	£162,444
Private	117	£277,375	£369,833
Total	187	£399,208	£532,277

1.18 The increased income from the Collection Fund would be shared between the Council and the GLA at the ratio 82:18.

1.19 At the Ca

1.20 binet meeting held on 25 July 2018, Members agreed that a public consultation should take place to consider increasing the Empty Home surcharge from 50% to 100%.

2 Council Tax Support Scheme Proposed for 2019

2.1 Proposals are being made to revise the scheme from 1 April 2019 for working-age claimants as part of the Council's overall budget strategy. The CTS Scheme for claimants of pensionable age is not subject to the proposed modifications and remains unchanged by the Council.

1.21 Previously on 25 July 2018, Cabinet considered several options for changing the CTS Scheme before noting their preference on which to consult and the details of the proposed changes are set out in point 2.3 below.

2.3

Proposed Changes to the CTS Scheme 2019
<p>a) Increase the minimum Council Tax payment for Working Age claimants to 25% (currently 15%).</p> <p>b) Increase the Council Tax payment for Disabled Working Age claimants to 20% (currently 15%).</p>
<p>Net Saving: £596,859 GLA element £149,215 BDP £82,897 Gross Savings £828,971</p>
<p>Who is affected: All working age Non- Disabled claimants (Pension age protected) 2695 JSA/Income Support claimants: £295,385 Average £109 per year/£2.10 p/w loss to claimant. 2770 All other working age claimants: £334,262 Average £120 per year/£2.30 p/w loss to claimant. Disabled Working Age 20%</p>

2776 JSA/Income Support disabled claimants: £159,387 Average £57 per year/£1.10 p/w loss to claimant.
646 All other working age disabled claimants: £39,937 Average £61.82 per year/£1.19 p/w loss to claimant.

2.4 An overall summary of the proposed CTS Scheme can also be found at Appendix C. Following Cabinet Members' recommendation, a full version of the scheme will be available for decision by Council and subsequent publication.

2.5 In summary, it is now proposed that the current CTS 2019 scheme is amended as follows:

- To reduce CTS for Working Age claimants to a maximum of 75% of their Council Tax liability.
- To reduce CTS for Working Age claimants with disabilities as defined in the CTS draft summary scheme, to a maximum of 80% of their Council Tax liability.

2 Consultation with the GLA and the Public

2.19 Council has formally consulted the GLA and members of the public on the proposed revisions to the CTS 2019 scheme. The consultation period commenced on 1 August 2018 and ended on 30 September 2018.

2.20 This Consultation also formed part of a wider consultation about the Council's budgetary position and the CTS results are set out in full in Appendix D (note personal data has been redacted from the consultation feedback contained in Appendix D). A summary of the CTS consultation outcomes can also be found at Appendix A including the detailed comments from electronic and meeting notes.

2.21 Letters were posted to 8,908 working age CTS claimants and 120 Second Home Owners inviting them to have their say on the proposed changes. Consultation meetings were also held with residents across the borough and the survey was publicised and made available to everyone on the Council's website giving all opportunity to comment on the CTS proposals for 2019.

2.22 Members are asked to read and consider the full response to the CTS and Long Term Empty Homes Premium consultation outcome report and the EIA which are contained within Appendix B and D of this report.

2.23 The specific consultation posed four questions:

Q1. Is it reasonable to expect working age claimants without a disability to pay at least the minimum amount of 25% towards their Council Tax bill?

Q2 Should working age claimants who are disabled and less able to increase their household incomes, be protected and pay a minimum of 20% towards their Council Tax bill rather than 25%?

Q3. Are there any other realistic options available to manage the budget gap on the Council Tax Support Scheme that you think would produce a reasonable outcome, having regard to the needs of residents and the Council's budget position?

Q4. Should people who own property which has been empty for more than two years, be charged 200% Council Tax?

- 2.24 The proposals put the authority in line with 10 of the 33 London borough CTS Schemes which are summarised in Appendix G attached to this report.
- 2.25 It should be noted that the CTS consultation specifically targeted those currently in receipt of Council Tax Support by letter. Therefore, it is more likely that more comments would have come from CTS claimants than other residents. While data was made available on the other options to revise the Council Tax Scheme, no respondents suggested using one of the alternatives considered by Cabinet in its previous deliberations.
- 2.26 The summary of the individual responses show that 140 people responded to the CTS consultation.
- 2.27 In response to Question 1, 65% of respondents or 90 people were not in favour of the proposed reduction from 15% to 25% compared to 37 people (27%) who agreed. 8% (13 people) remained neutral. There was an overall majority of 40 people who disagreed with the proposed reduction in CTS.
- 2.28 With regard to Question 2, 53% of respondents or 73 people disagreed with the proposed reduction from 15% to 20% for disabled households compared to 50 people (36%) who agreed. A small majority of 6 respondents overall disagreed with this proposal. 17 people (11%) remained neutral.
- 2.29 With regard to Questions 1 and 2, some respondents felt that libraries and leisure centres should be reviewed to fund other services. These services are being included in the general budget proposals addressed in a report elsewhere on this Cabinet agenda. However, the Council still has a funding gap of £7 million to resolve for 2019/20.

- 2.30 Some responses indicated that people who are better off should pay more however, there is no provision in law to charge a higher Council Tax to only those properties in higher bands. Council Tax bands are not means tested but based on the property values at 1 April 1991.
- 2.31 A number of respondents wanted to know how people on a low income would pay the additional Council Tax. Where the CTS claimant continues to experience financial difficulties, there is a Council Tax Discretionary Policy that can assist depending on the claimant's individual circumstances.
- 2.32 Given the detailed consultation, though a small (in number) majority were against the proposal that everyone should pay at least 25% or 20% for households with disabilities, it is proposed to still proceed with these changes. Since 2013, the cost of Council Tax Support has been rolled into the Revenue Support Grant (RSG). However, the Council's RSG has been significantly reduced since then and is wholly to disappear from 2021. The original budget gap for 2019/20 was £14 million. There are proposals elsewhere on this Cabinet agenda which address £7 million but the Council still has a further £7 million gap in its budget for 2019/20.
- 2.33 If this change is not implemented other services would need to be cut or Council Tax levels would need to be considered. It is felt necessary to balance the overall views of where budget reductions will be made against the specific views of those in receipt of CTS, as they are more likely to oppose any changes as they will be personally affected by them. The recommendation was also based on a review of the other options available to change the CTS Scheme and the consequent preliminary view that this option is the best and fairest overall under the circumstances. The analysis of the options is set out in Appendix F Council Tax Support Scheme Options of this report.
- 2.34 In considering proposals to change the CTS Scheme 2019, it was noted that no changes have been made since 2015. However, since 2015, the Council has increased the Council Tax by more than 1.96% each year.
- 3.15 With regard to Question 4, 50% of respondents or 70 people disagreed with the proposed surcharge on properties empty for more than two years compared to 50 who agreed. In addition, eight respondents from the main budget consultation agreed the surcharge should be increased on empty homes. 20 respondents (14%) remained neutral. Therefore the number of respondents, who were in favour of or remained neutral, equalled those that were not in favour of increasing the empty property surcharge.
- 3.16 In view of this, it is also proposed to increase the long term empty property surcharge to 100% as it remains in the interest of the community

to bring these homes back into use. It should also be noted where a property has been left due to the liable person passing away, there is an exemption from Council Tax and the surcharge will not be applicable.

- 3.17 The GLA responded to the CTS Scheme 2019 and Empty Property Surcharge proposal and recognised the savings that the Council could use to apply to other proposals and services. They noted that vulnerable households or properties under stress would have access to an additional discretionary scheme to help reduce their Council Tax further. Further details can be found in Appendix A of this report.

REASONS AND OPTIONS

4 Reasons for the decision:

- 4.1 The Council has a statutory duty to provide a CTS Scheme and to consult the public and interested parties when considering changes to the CTS Scheme. This is set out in Schedule 4 of the Local Government Finance Act 2012.
- 4.2 There is a shortage in the housing market which Government has recognised and introduced legislation to enable local authorities to encourage the occupation of those empty properties by way of a further increase in the Council Tax surcharge.

5 Other options considered:

- 5.1 At Cabinet on 25 July 2018, Members considered in detail a number of options with regard to the CTS Scheme and selected the scheme proposed in Appendix C for consultation. Details of the options considered can be found in the July Cabinet report and are set out in Appendix F Council Tax Support Scheme Options of this report.
- 5.2 With regard to the Empty Property Surcharge, the only other option is to do nothing.

- 5.3 The responses to the consultation have also set out a number of other alternatives and the Council's replies to those are reflected elsewhere in this report and Appendices.

IMPLICATIONS AND RISKS

6 Financial implications and risks:

- 6.1 The financial implications are set out in the body of this report and are reiterated in the table below.

Estimated additional income from Council Tax	
Net saving	£596,859
GLA Element	£149,215
Bad Debt Provision	£82,897
Gross Savings	£828,971

- 6.2 There is a risk of further delay in the collection of the additional Council Tax income from households in receipt of Council Tax Support. This is highlighted on the Risk Register set out in Appendix E to this report and the Service will continue to monitor and prepare mitigation for the impact of this change.

7 Legal implications and risks:

- 7.1 Under S151 of the Local Government Act 1972 a local authority has to make proper arrangements for the administration of its financial affairs and must deliver a balanced budget.
- 7.2 The budget consultation and approval process is separate from individual decisions which may need to be taken for example in relation to service delivery; these may require a separate consultation process and equality impact assessment before a final decision is taken.
- 7.3 Where consultation is undertaken it must comply with the 'Gunning' principles; namely it must be undertaken at a formative stage, sufficient information should be provided to enable feedback, adequate time should be given for consideration and responses and the feedback should be taken into account in any decision taken. The consultation process complies with these rules and Members must give conscientious consideration to the feedback when making a decision.
- 7.4 The Local Government Finance Act 1992 (as amended) provides at Schedule 1A paragraph 5 for revisions to a Council Tax Reduction Scheme. For each financial year the Council must decide whether to revise the scheme or replace it with another scheme. Any revision must be made no later than 11th March in the financial year preceding the year in which it is to have effect. Any revision invokes the consultation duties in paragraph 3 of the Schedule namely that:

3 Preparation of a scheme

- (1) Before making a scheme, the authority must (in the following order)—
- (a) consult any major precepting authority which has power to issue a precept to it,
 - (b) publish a draft scheme in such manner as it thinks fit, and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

- 7.5 The Council has appropriately consulted in accordance with the above rules with regard to the CTS Scheme.
- 7.6 In making a decision the Council is required to take into account relevant considerations and act reasonably in the "Wednesbury reasonable" sense.
- 7.7 With regard to the empty property council tax surcharge, the Local Government Finance Act 1992 provided at 11B that a Council may determine an increase in percentage not more than 50. The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 increases that maximum amount to 100% from 1/4/19 for properties unoccupied for more than 2 years.

8 Human Resources implications and risks:

- 8.1 There are no implications and risks arising that impact on the Council's workforce as a result of this report.

9 Equalities implications and risks:

- 9.1 Havering has a diverse community made up of many different groups and individuals. The Council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.
- 9.2 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
 - (iii) foster good relations between those who have protected characteristics and those who do not.
- 9.3 Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity, and gender reassignment.
- 9.4 The Council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.
- 9.5 The CTS Scheme is the subject of an Equalities Impact Assessment which is appended to this report. Members must consider the information set out in the Assessment in accordance with the statutory duty set out above, in reaching a decision on the Council Tax Support. In particular members must have due regard to the impact the proposals will have in relation to equality and any mitigating circumstances set out in the detailed assessment before making a decision.

- 9.6 Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions. “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures will often be important. The weight of these countervailing factors in the decision making process is a matter for members. The report outlines the budget context and the proposed changes have been designed to have a lower impact on groups with disabilities.
- 9.7 The Equalities Assessment highlights a number of actions that will be taken to alleviate the effect of the changes to the CTS Scheme which inherently is designed to support the different groups with protected characteristics.
- 9.8 With regard to the Empty Property Surcharge, having considered the implications of the proposed change there is no apparent negative impact on any particular group and the potential effect of making more properties available has a positive effect for many.

BACKGROUND PAPERS

Appendices

- Appendix A: CTS Consultation Summary Outcome Report
Letter template to Council Tax Support recipients and Second Home Owners of Long Term Empty Properties
Equalities Data
- Appendix B: EIA for CTS Scheme 2019 Proposal
- Appendix C: Draft Summary CTS Scheme 2019
- Appendix D: CTS Consultation Full Version
- Appendix E: Risk Register for CTS
- Appendix F: Council Tax Support Scheme Options 2019/20
- Appendix G: Summary of other London LA Schemes 2017 & 2018

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Outcome Report: Proposals for changes to Council Tax Support and Council Tax from April 2019

Reason for Council Tax Support Consultation

Central Government funding to Havering has reduced by over £29 million since 2014/15 and we are anticipating a further loss of the remaining £7 million in general Government grant over the next two years. From 2021/22 we don't expect Havering to be in receipt of any general Government grant. Over the same period, and into the Future, we are seeing Havering's population rising which is causing cost pressures.

The Council is developing a range of proposals which include measures to reduce the cost of the Council Tax Support Scheme (CTS) scheme in Havering.

In view of the financial climate where there is an increasing demand for services and ever reducing Government funding, residents on welfare benefits are being asked to contribute more.

Schedule 4 of the Local Government Finance Act 2012 requires local authorities to consult on any changes to their local Council Tax Support scheme. The purpose of the consultation is to ensure all our residents and other interested parties have the opportunity to have their say on the proposed changes to the Local Council Tax Support Scheme and the proposals for the Council Tax Empty Property Premium.

CTS Consultation Proposals:

The consultation posed four questions:

1. Is it reasonable to expect working age claimants without a disability to pay at least the minimum amount of 25% towards their Council Tax bill?
2. Should working age claimants who are disabled and less able to increase their household incomes, be protected and pay a minimum of 20% towards their Council Tax bill rather than 25%?
3. Are there any other realistic options available to manage the budget gap on the Council Tax Support Scheme that you think would produce a reasonable outcome, having regard to the needs of residents and the Council's budget position?
4. Should people who own property which has been empty for more than two years, be charged 200% Council Tax?

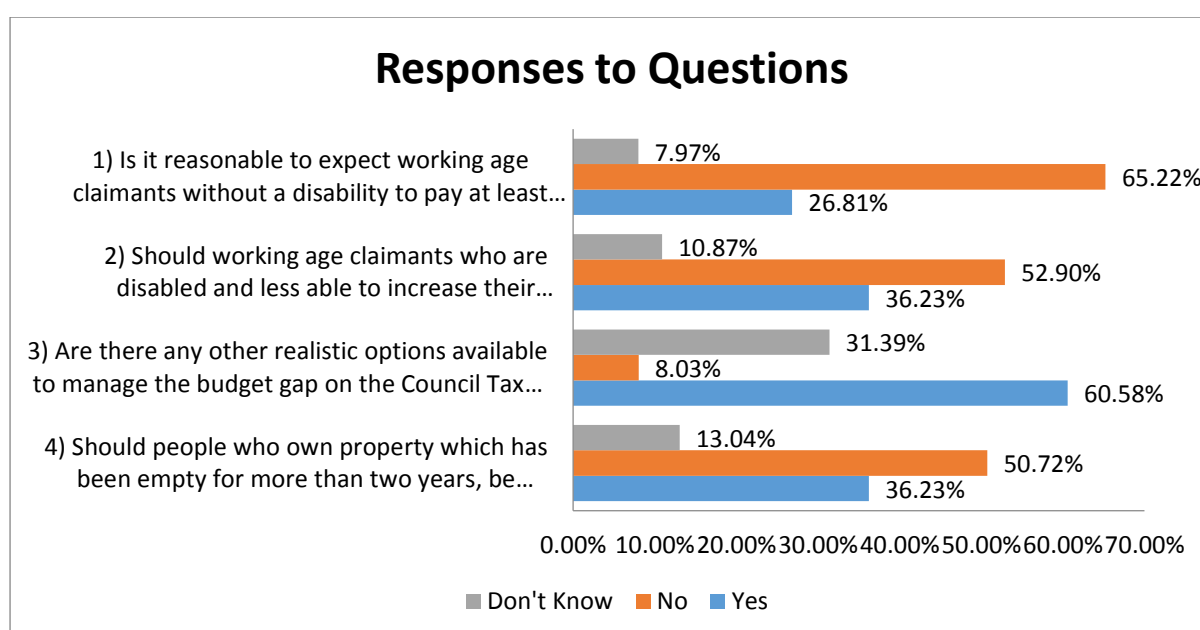
Numbers responding and basic Demographics

There are just fewer than 106,000 properties in the borough from which Council Tax is due. 8% of residents are working age claimants in receipt of Council Tax Support.

Between 1 August 2018 and 30 September 2018, 140 people in total responded to the Council Tax and Council Tax Support consultation on line.

Letters were issued to all CTS claimants (8,908 working age claimants at July 2018) to participate in the consultation to change the CTS scheme. The letter template can be seen below.

Second Home Owners whose property had been empty for more than two years were also invited to have their say. The letter template is also attached below.



Main Findings

It should be noted that three out of four questions demonstrated a lower percentage in agreement with the proposed changes compared with those opposed to the changes. The fourth question sought views about alternative options to the proposed changes.

The main findings on the specific questions were:

65% of Respondents did not agree that low income working age Council Tax Payers with no disabilities should pay at least 25 per cent of their Council Tax with, 27% being in favour of the change and 8% were unsure.

Of the 140 Respondents, 52% believed that working age disabled council tax payers should not have to pay a minimum of 20% towards their Council Tax bill rather than 25%.

A high proportion of Respondents (60%) believed there were other realistic options available to manage the budget gap compared with 8% who felt there was no other option. 31% of Respondents didn't know.

70 Respondents (50%) disagreed that people who own or rent a property which has been empty for more than two years, should be charged 200 per cent Council Tax compared to 50 Respondents (36%) who agreed. 18 Respondents (13%) didn't know.

Some consultation responses refer to the unfairness of making the low income disabled households pay extra while the rich have no change. The rich can only pay more if the Council Tax is increased generally.

Number of respondents

Question	Positive	Neutral	Negative	Total
1. Is it reasonable to expect working age claimants without a disability to pay at least the minimum amount of 25% towards their Council Tax bill?	37	13	90	140
2. Should working age claimants who are disabled and less able to increase their household incomes, be protected and pay a minimum of 20% towards their Council Tax bill rather than 25%?	50	17	73	140
3. Are there any other realistic options available to manage the budget gap on the Council Tax Support Scheme that you think would produce a reasonable outcome, having regard to the needs of residents and the Council's budget position?	83	46	11	140
4. Should people who own property which has been empty for more than two years, be charged 200% Council Tax?	50	20	70	140

Councillors are asked to review the full extract of the responses which can be found at Appendix D.

Analysis of Responses

1. With regard to the proposal that working age residents receiving should pay a minimum of 25 per cent of their council tax, 27% of respondents agreed. Some respondents commented that people who were sick or disabled or those receiving disability benefits should be exempt from the change. While it is proposed that people with disabilities should pay more Council Tax although not as much as working people, it should be noted that the CTS scheme does take sickness and disability into account, with more generous premiums and allowances awarded to this client group. This means that claimants with disabilities do receive higher rates of Council Tax Support and have more available income to spend.

One Respondent said people with high incomes should pay more Council Tax and there should be a higher band.

2. Most people did not agree that disabled people should have to pay 20% rather than 25% of their Council Tax bill. Some commented that the proposal penalised disabled people who should not have to pay more and be protected like people of pension age. A very few commented that disabled working age claimants should be treated the same as working age claimants. One Respondent noted that disabled working age claimants received more Benefits than other working age claimants. 2.5% of residents would be affected by this change.
3. With regard to other reasonable options available to bridge the budget gap, a large number of Respondents made comments, some of which were identical that libraries and leisure services should be reviewed with a view to being outsourced. A number of Respondents also commented that Management and Councillors should give up some of their salaries to support services. It should be noted a Terms and Conditions Review was undertaken and implemented in September 2017 which drew £5 million from the salaries budget. A few commented that high earning residents should pay more Council Tax.
4. Comments were divided on the proposal that people who own or rent a property which has been empty for more than two years should be charged 200 per cent Council Tax. Of the 61 respondents who commented, a large number, 30 Respondents, recognised the housing shortage and this proposal would help to encourage the return of the property into use which would benefit the local area. 22 Respondents commented the increase would be unfair or should be reduced. One respondent suggested the Council should offer to buy properties that have been empty for more than two years.

GLA Response

The GLA has been invited to comment on the proposals to reform the CTS scheme for 2019. In their letter of response dated 3 October 2018 which is attached below, the GLA view that the proposed changes should be considered in the whole. If one proposed change results in greater savings for the Council that could be used to reduce the need to apply other proposals, then they would encourage the Council to consider doing this as it would help to reduce the financial burden on individuals and families in Havering who see their Council Tax Support entitlement reduced.

They note for households that are vulnerable or under particular stress, the Council offers a discretionary hardship scheme to provide additional help and would encourage the Council to take a proactive approach to informing those council tax support claimants, who are facing difficulties, about this policy. This policy is communicated and made available on the Internet to all CTS claimants.

The GLA notes Havering is proposing to take advantage of the increased empty property premium to an additional charge equivalent to 100% of the council tax charge. They would encourage the council to keep its discount and premium policies under review and inform the GLA of any potential changes for 2020-21, when further flexibility is likely to be available.

Main Budget Consultation

Respondents to the main budget consultation also made reference to the above proposals. 1,076 responses were received in total.

Specifically on the proposed change to the empty home premium, eight respondents were pleased with the proposal to bring empty homes back into use.

A very few respondents, two people, indicated that a CTS reduction would cause financial hardship. The Council Tax Discretionary Policy remains available for individuals in this situation.

The main consultation report analysing the responses to the survey indicated that 4% (17 respondents) of narrative responses mentioned Council Tax Support. Of those, 94% were against any change in Council Tax Support in relation to the question which asked: What are your reasons for disagreeing with any individual proposals under the reductions in Services and changes in income theme? What impact do you think this would have on you and your family?

Reports from consultation meetings

A series of consultation meetings have taken place with residents on the Budget and proposed changes to the CTS Scheme 2019.

Residents felt the reduction in Council Tax Support could cause hardship. The Council Tax Discretionary Policy is available to help any resident in receipt of

Council Tax Support who continues to experience financial hardship. The discretionary payment can top up the Council Tax Support payment to remit up to 100% of the Council Tax and is considered on an individual basis.

**Letter to Working Council Tax Support recipients and Second Home Owners
of Long Term Empty Properties**



**The Council Tax Support Applicant
Address
Address
Address**

August 2018

Dear

**Have your say on proposals to change the Council Tax Support Scheme
2019**

There are changes being considered to the Council Tax Support (CTS) scheme and Havering would like you to have your say.

Havering's Budget

The Council needs to address a £37million budget gap that remains over the next four years which has arisen through reduced Government funding, increasing costs and a growing and ageing population. The Council is developing a range of proposals to close the budget gap for the next two years and a review of the CTS scheme forms part of these proposals. .

To balance the budget, the Council needs to **save** money by reducing running costs, and/or **raise** money by increasing income – most obviously through the Council Tax.

The Council has considered using money held in 'reserves'. This is money held for a specific purpose, or is set aside to cover unforeseen costs. We are not proposing to use reserves, as this money can only be used once. We are looking for permanent savings to our annual running costs.

CTS Proposals

We are proposing that working age CTS claimants with no disabilities pay a minimum amount of 25% towards their Council Tax. Currently the minimum amount is 15%.

For working CTS claimants with disabilities, the proposal is they pay a minimum of 20% towards their Council Tax.

More information about the range of options considered before the above changes were proposed, can be found in the Cabinet report at www.haverling.gov.uk/xxxxx

Have Your Say

We would like your views on our proposal to change the CTS Scheme from April 2019.

Please complete the survey at www.haverling.gov.uk/yoursay and have your say.

You can also find a summary of the proposed draft CTS Scheme 2019 on our website above along with a draft 'equality impact assessment'. The equality impact assessment sets out how the proposed changes might affect different groups of residents and what the Council intends to do to address this.

The consultation closes on 30 September 2018 and final decisions on the budget, including the CTS proposals, will be made early in the New Year.

Thank you for your time.

Benefit Services

Haverling Council

NOTE: Pensioners are protected by law from the proposed changes to the CTS scheme

Date: August 2018

Your Ref:

Our Ref:

Dear

Have your say on proposals to change the Council Tax Surcharge on Empty Homes

There are changes being considered to the long-term empty property surcharge and the Council would like you to have your say.

Havering Council has been surcharging properties that have been empty and unfurnished for more than two years with a sum equivalent to 50% of the Council Tax due. This means people who own their empty property are currently charged 150 per cent Council Tax where it has been empty for more than two years.

Councils will shortly be given the power to increase the surcharge from 50 percent to 100 percent. Havering is considering this proposal and would like your views.

More information about this proposal can be found in the Cabinet at www.havering.gov.uk/xxxxx

Please complete the survey at www.havering.gov.uk/yoursay and have your say.

The consultation closes on 30 September 2018 and final decisions will be made early in the New Year.

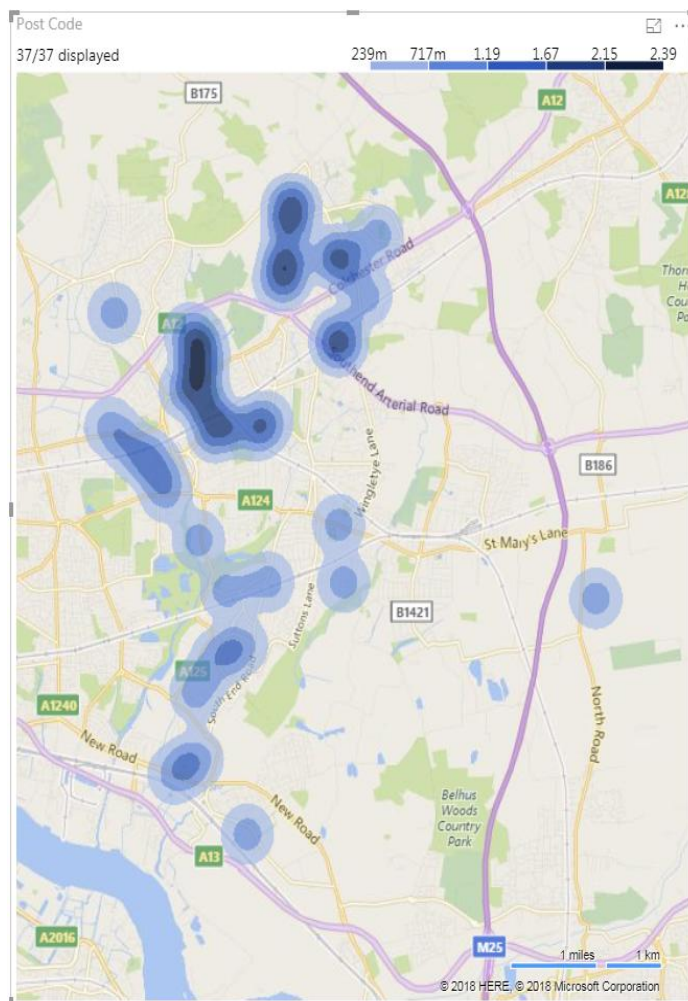
Thank you for your time

Council Tax Services

Equalities Data

Post code	Number responding
RM1	6
RM11	1
RM12	5
RM13	5
RM14	1
RM2	2
RM3	12
RM5	1
RM7	4
Total	37

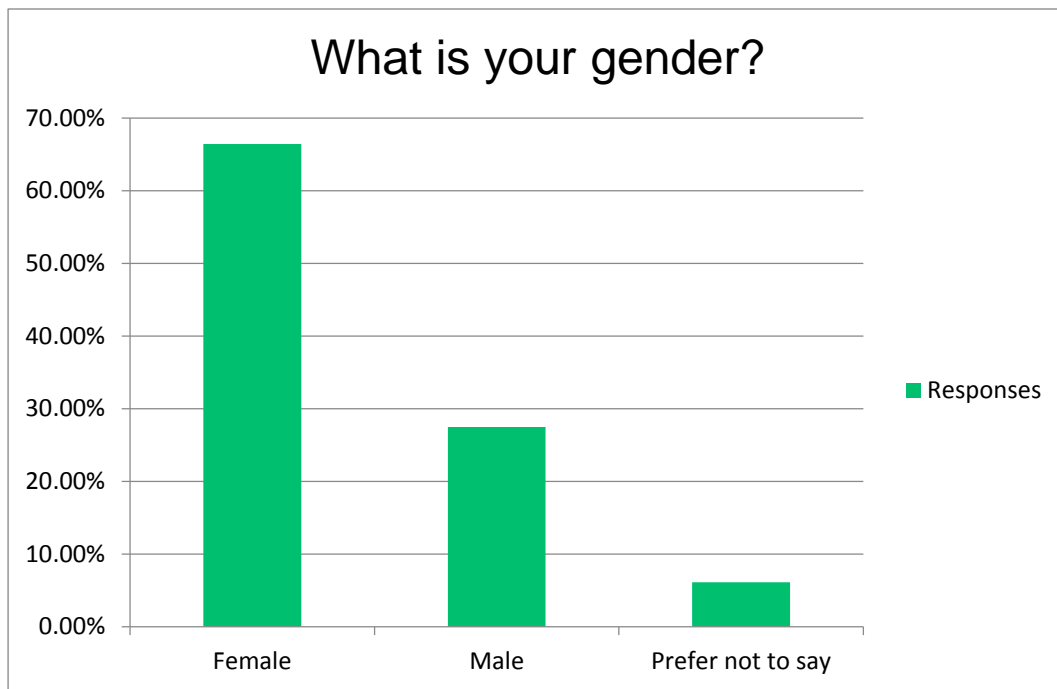
37 Valid Postcodes reflected on a Heatmap



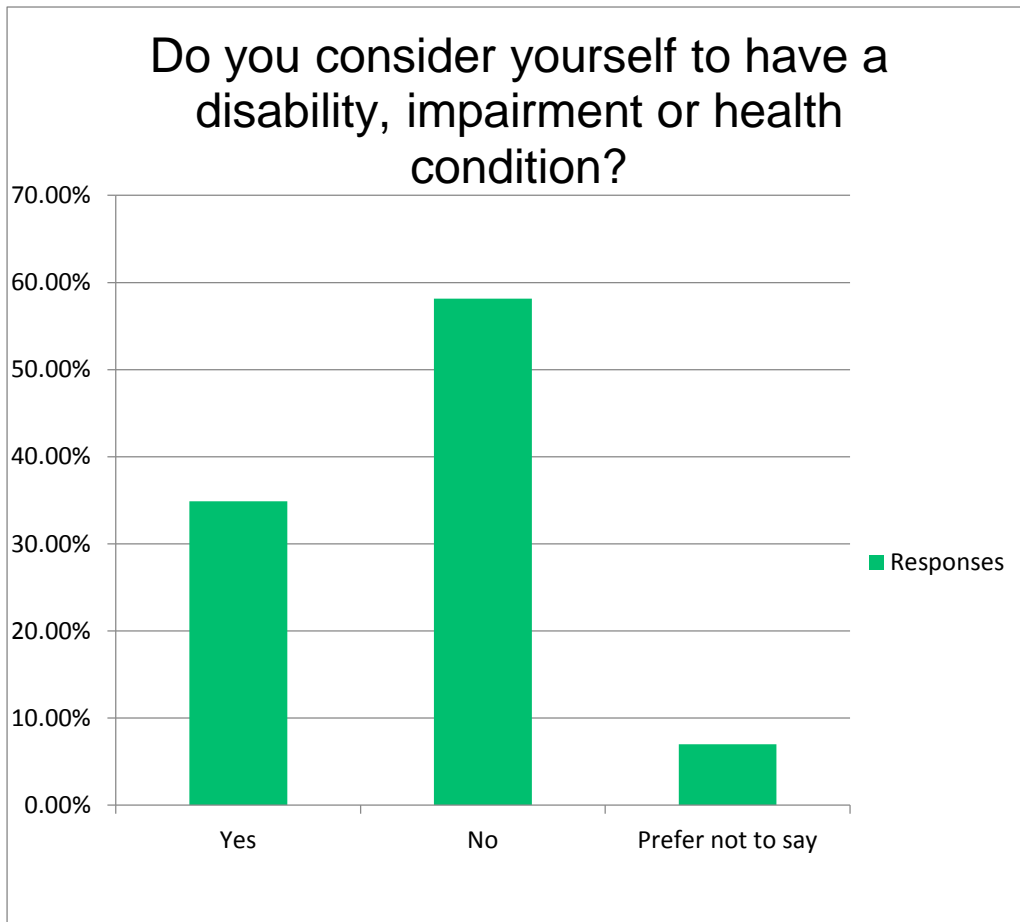
Answer Choices	Responses	
Female	66.41%	87
Male	27.48%	36
Prefer not to say	6.11%	8

Answered 131

Skipped 9

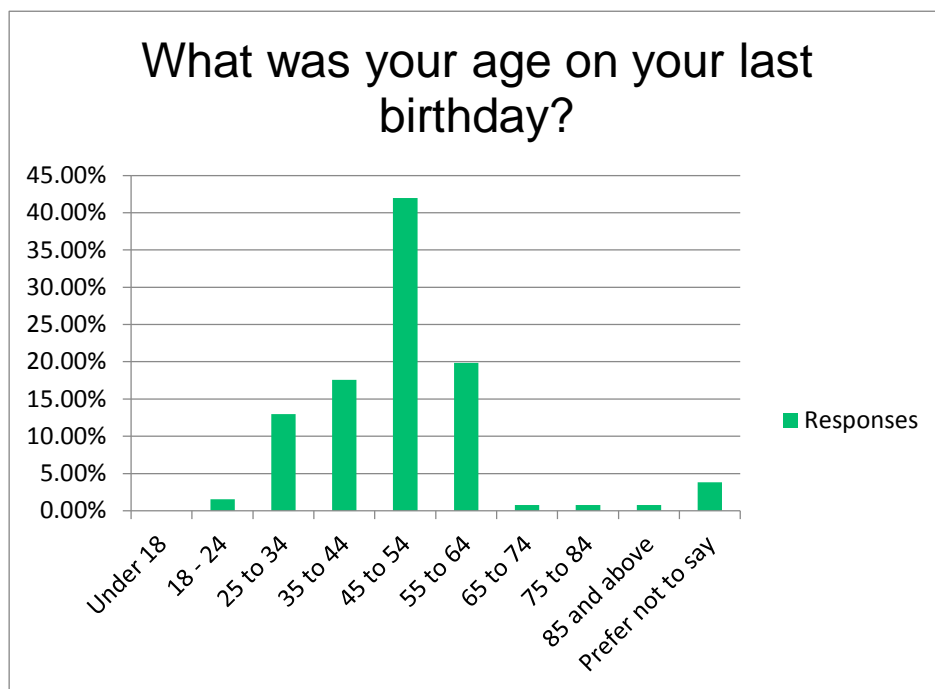


Answer Choices	Responses	
Yes	34.88%	45
No	58.14%	75
Prefer not to say	6.98%	9
Answered		129
Skipped		11

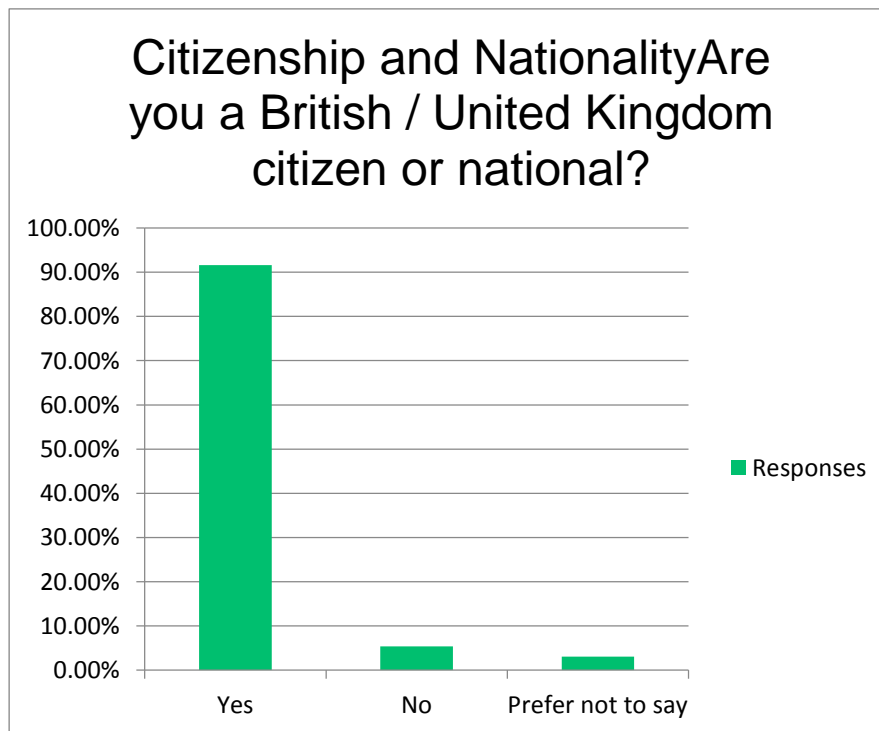


Answer Choices	Responses	
Under 18	0.00%	0
18 - 24	1.53%	2
25 to 34	12.98%	17
35 to 44	17.56%	23
45 to 54	41.98%	55
55 to 64	19.85%	26
65 to 74	0.76%	1
75 to 84	0.76%	1
85 and above	0.76%	1
Prefer not to say	3.82%	5

Answered 131
Skipped 9



Answer Choices	Responses	
Yes	91.60%	120
No	5.34%	7
Prefer not to say	3.05%	4
Answered		131
Skipped		9



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London SE1 2AA
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Minicom: 020 7983 4458
Web: www.london.gov.uk

Debbie Wheatley
Principal Benefit Officer
oneSource Benefit Services
London Borough of Havering
Town Hall
Main Road
Romford
RM1 3BB

Dear Debbie

LONDON BOROUGH OF HAVERING COUNCIL TAX SUPPORT SCHEME 2019-20

Thank you for your email of 31 July informing the GLA about the Council's consultation on proposals for the draft council tax support (CTS) scheme for 2019-20. The draft scheme options consulted on are summarised in this letter. This letter sets out the GLA's response to the consultation.

Introduction

As in previous years, the GLA recognises that the determination of council tax support schemes under the provisions of the Local Government Finance Act 2012 are a local matter for each London borough. Individual schemes need to be developed which have regard to specific local circumstances, both in respect of the potential impact of any scheme on working age claimants (particularly vulnerable groups) and, more generally, the financial impact on the council and local council tax payers – and therefore the final policies adopted may, for legitimate reasons, differ across the capital's 33 billing authorities.

This fact notwithstanding the GLA also shares in the risks and potential shortfalls arising from the impact of council tax benefit localisation in proportion to its share of the council tax in each London billing authority. It is therefore important that we are engaged in the scheme development process and have an understanding of both the factors which have been taken into account by boroughs in framing their proposals, as well as the data and underlying assumptions used to determine any forecast shortfalls which will inform the final scheme design.

Framing Proposals

As part of the introduction of council tax support in 2013-14, the Government set out its expectation that, in developing their scheme proposals, billing authorities should ensure that:

- Pensioners see no change in their current level of awards whether they are existing or new claimants;
- They consider extending support or protection to other vulnerable groups; and
- Local schemes should support work incentives and, in particular, avoid disincentives to move into work.

The GLA concurs with those general broad principles and would encourage all billing authorities in London to have regard to them in framing their schemes.

Proposed 2019-20 Scheme

Under Havering's current 2018-19 scheme, the maximum level of CTS available to working age claimants is 85% of their council tax liability. The Council is consulting on two proposed changes to the scheme, with effect from 1 April 2018. The changes are set out in the table below. In addition, the Council is consulting on a change to the empty home premium. This is discussed in the relevant section below.

Working age claimants not considered vulnerable	The maximum level of CTS support available to working age claimants who are not considered vulnerable would be reduced from the current level of 85% of the council tax due, to 75% This means that every working age household that is not considered vulnerable would have to pay a minimum charge of 25% towards their council tax bill, estimated to be an additional £2.20 per week in council tax to pay.
Working age claimants who are disabled	The maximum level of CTS support available to working age claimants who are disabled would be reduced from the current level of 85% of the council tax due, to 80% This means that disabled claimants would have to pay a minimum charge of 20% towards their council tax bill, estimated to be an additional £1.15 per week in council tax to pay. Disabled claimants are defined as people who have a disability income that entitles them to one of the following premiums: disability, severe disability, enhanced disability, disabled child and/or carer when calculating their benefit.

The proposal to increase the minimum contribution to 25% brings the minimum contribution level for the Council's scheme in line with a number of other authorities, as stated in Appendix E of the report to Cabinet on 25 July 2018. However, it does mean that the Council's proposed scheme would be amongst the schemes that require the highest level of contribution from working age claimants. In total, 5 of 33 billing authorities in London require a minimum contribution of 25%, with an additional 3 requiring a higher minimum contribution level.

Notwithstanding the above comments and recognising that the proposed scheme is in accordance with the general principles set out by Government (as listed above), the GLA is content to endorse the broad approach taken by Havering. Despite the changes, the Borough's scheme would still be in line with several other schemes in London.

It is however the GLA's view that the proposed changes should be considered in the whole. If one proposed change results in greater savings for the Council that could be used to reduce the need to apply other proposals, then we would encourage the Council to consider doing this as it would help to reduce the financial burden on individuals and families in Havering who see their Council Tax Support entitlement reduced. We note for households that are vulnerable or under particular stress, the Council offers a discretionary hardship scheme to provide additional help. We would encourage the council to take a proactive approach to informing those council tax support claimants, who are facing difficulties, about this policy.

The GLA notes that the council considered alternative changes that would have reduced entitlement to CTS, such as introducing minimum weekly awards and increasing non-dependant deductions. The Council rejected these changes after finding that these proposals would not be sufficient to generate the level of savings required, would lead to the scheme being more complex to administer, increasing the overall cost or could lead to financial hardship.

The GLA considers that, before finalising their 2019-20 schemes, all billing authorities should re-examine the challenges which they will face in collecting relatively small sums of money from claimants on low incomes, who may not be able to pay by direct debit or other automatic payment mechanisms, based on their experiences in the first five years of the localised system. In some cases, the administrative costs of enforcing such payments may outweigh the cost saved by reducing support.

Financial Implications of the Proposed 2019-20 Scheme

Appendix D of the paper to Cabinet on 25 July 2018 helpfully sets out the potential financial implications of the options considered, including the proposed option outlined in the consultation. For the GLA's planning purposes, it would be appreciated if, following the final decision on the scheme design for 2019-20, Havering could provide us with an updated forecast total cost. This would also allow the GLA to calculate its share of the cost of the scheme proposed by the Council.

Technical Reforms to Council Tax

The GLA considers that in formulating its council tax support scheme each billing authority should both consider and address the impact of the additional revenue it is expecting to raise from the technical reforms to council tax introduced in the Local Government Finance Act 2012, which provide greater flexibility in relation to discounts, exemptions and premiums for second and empty homes. The additional revenues from the technical reforms could be used to reduce any shortfalls

and thus the sums which need to be recovered from working age claimants via any changes to council tax support.

The GLA understands that in 2018-19 Havering has the following policies in place:

- For properties requiring or undergoing major repairs or structural alterations (former class A): a 0% discount
- For properties unoccupied and substantially unfurnished (former class C): a 0% discount
- Second homes: 0% discount
- Long-term empty properties: a 50% premium on properties that have been unoccupied and substantially unfurnished for a continuous period of two years, meaning the full charge of 150% is payable in such cases.

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill is currently progressing through its legislative stages in Parliament and is expected to receive Royal Assent before the end of 2018. It is expected that the Bill will become law in time to enable councils from April 2019 to charge 100% premiums on properties which have been empty for more than two years. The legislation as currently amended will also give councils the ability to charge higher premiums in subsequent years for properties which have been empty for longer periods of time.

The GLA notes Havering is proposing to take advantage of this increased flexibility to raise the empty homes premium to an additional charge equivalent to 100% of the council tax charge. We would encourage the council to keep its discount and premium policies under review and inform the GLA of any potential changes for 2020-21, when further flexibility is likely to be available. Again, the GLA would encourage councils to take into account potential additional revenues from these reforms when considering the detail of council tax support schemes.

Council Tax Protocol

In recent years the issue of council tax collection practices has become more high profile. The GLA, of course, recognises the importance of ensuring council tax arrears are collected wherever possible. However, in some instances poor collection practices can worsen debt problems for vulnerable residents.

Citizens Advice, in partnership with the Local Government Association, has developed a council tax protocol¹, which outlines a number of practical steps for early intervention to support people struggling with payments. In summary, the Protocol asks that councils:

- work with enforcement and advice agencies to help people pay their council tax bills while accessing debt advice;

¹<https://www.citizensadvice.org.uk/Global/CitizensAdvice/campaigns/Council%20Tax/Citizens%20Advice%20Council%20Tax%20Protocol%202017.pdf>

- ensure all communication with residents about council tax is clear;
- use the Standard Financial Statement when calculating repayment plans;
- offer flexible payment arrangements to residents;
- do not use enforcement agents where a resident receives council tax support;
- publish their policy on residents in vulnerable circumstances

In London, eight boroughs have now signed up to the protocol and the GLA would encourage all boroughs to consider adopting the protocol.

Providing Information on Schemes

Whilst we recognise that the detailed rules on council tax support schemes are inevitably complex, the GLA would encourage all boroughs to make every effort to set out information on their schemes as clearly as possible. Information that may help potential claimants could include an online calculator, to identify whether potential claimants are likely to be entitled to support, as well as 'Frequently Asked Questions' and a summary document outlining concise details of the scheme. In addition, for existing claimants, we would encourage boroughs to consider how the process for reporting changes in circumstances can be made as straightforward as possible.

Setting the Council Tax Base for 2019-20 and Assumptions in Relation to Collection Rates

The council will be required to set a council tax base for 2019-20 taking into account the potential impact of the discounts the Council may introduce in respect of council tax support and any potential changes the Council may implement regarding the changes to the treatment of second and empty homes.

The Council will need to make a judgement as to the forecast collection rates from those claimants and council taxpayers affected by any changes to council tax support, taking into account the experience in the first six years of the council tax support arrangements.

The GLA would encourage the council to provide it with an indicative council tax base forecast as soon as options are presented to members for approval, in order that it can assess the potential implications for the Mayor's budget for police, fire and other services for 2019-20. This should ideally be accompanied by supporting calculations disclosing any assumptions around collection rates and discounts granted having regard to the final council tax support scheme design.

Collection Fund and Precept Payments

By 23 January 2019 the council is required to notify the GLA of its forecast collection fund surplus or deficit for 2018-19, which will reflect the cumulative impact of the first six years of the localisation of council tax support. The GLA would encourage the council to provide it with this information as soon as it is available.

I would like to thank you again for consulting the GLA on your proposed council tax support options for 2019-20.

Yours sincerely

Martin Mitchell
Finance Manager

Budget Consultation Public Events

Central Government Funding

North Romford

- Why do we all have different amounts paid by the Government? What is the formula?

Town Hall

- Why has central government funding gone down?
- Even if the formula was changed in our favour, would we still be in trouble?

Hornchurch

- Compared to other Boroughs we've been led to believe we're the wealthiest because of older people and green space. So we get less money from the Government?
- I'm confused about a grant. Is it good to have more? Because you also said it's good to have austerity.
- Wasn't the grant supposed to be replaced by business rates?

Harold Hill

- What is the Council doing to increase money coming in from central government?
- Residents discussed how the budget gap was not just a local problem but a national problem and felt there was limited support from central government. One resident suggested that the local MP should be present at the consultation events.

Council Tax

North Romford

- How does Havering's council tax base compare to other London Boroughs?
- What percentage of Havering's properties that pays council tax are getting council tax support?
- I appreciate about the lack of funding from the Government but what about all the new builds in the Borough? The council tax must be colossal.
- One resident said more than a quarter of his pension goes on council tax. He has tried to appeal against how much council tax he pays, but they sent him a 22 page form that asks him everything from how much his Granddaughter earns to what sexuality he is.

Town Hall

- Does population density have anything to do with Westminster's council tax level?

Hornchurch

- Should we expect an increase in Council Tax?
- Referring to Questions 9 and 10 on the survey, you're asking whether we support these things, this suggests that Council Tax will increase?

- The issue of the fairness of who pays what amount of council tax needs to be addressed to make it more palatable to residents.

Upminster

- What is the default rate on council tax? And what is the collection rate on this?
- The council tax % is wrong compared to who is actually using services.

Reduction in Council Tax support

Town Hall

- What happens if people enter into hardship if you reduce council tax support?

Harold Wood

- Has the council tax grant gone up and have you forecasted what that will be in the future?
- Looking at council tax support and Front Doors hurts the most vulnerable people. Reducing those could produce a time bomb later on and lead to more costs. This could hurt the Borough more if not protected.

Harold Hill

- Residents felt that the reduction in council tax support will really impact on residents in the Harold Hill area and the rise to a 15% contribution was difficult enough for those eligible

Hornchurch

- One resident stated that they had not been written to in regards to a reduction in their council tax support.
- 15% is a lot of money already and a reduction is targeting the most vulnerable people such as carers or those who genuinely can't work. This will cost the council more in social care if carers go back to work.

Budget Gap

Town Hall

- What extent has the gap been closed by selling land?
- You have shown reductions. But what will the council be spending yearly after these 4 years? There is no slide that shows spending, we just see reductions.
- How much are you going to save through your proposals?
- How much money will all the transformation proposals make?
- Are you assuming a certain level of funding and austerity in your predictions?

Hornchurch

- Have you thought about the effect of Brexit on investment?
- If we keep cutting and cutting things, once Council services are gone, they're gone. It's not good at all.
- With Conservative Councillors (Andrew Rosendale), once a lot of services are gone and cuts are continuously made, what are you doing?

Harold Wood

- Many of the plans you've talked about take some time to implement. Can you share with us ideas for saving in the future?
- Are you able to go into reserves? Will you need to top it up?

Harold Hill

- Does a 37m budget gap mean that there will be 37m worth of cuts to council services?
- Residents were concerned that the proposals disproportionately impacted on the less affluent in the borough and that the less affluent are the least likely to have access to participate in the consultation.

Upminster

- What contingencies do you have in place if demand management fails for statutory services and safeguarding in social care? Would you raid another budget?

Business Rates

Town Hall

- What is happening with business rates? Are they increasing or decreasing?

Hornchurch

- What amount of business rates do we get?

Upminster

- How much will we get on retention of business rates over the next 4 years? Will we get extra money?

Income Generation

North Romford

- How much money do you receive from car parking tickets?

Hornchurch

- Are there any limits to what you can have as an income stream?
- Are you looking at renting the Town Hall out?

Harold Wood

- Two street cameras in Havering are on average bringing in £4 million (outside Lidl and B&Q). Put up ten more street cameras in Havering and we've solved the problem. There are areas with bad road safety.

Rainham

- Does the Council have targets for issuing parking fines in order to provide more funding for public services?

Front Doors

North Romford

- The options on the phone are never the ones I want.
- A lot of us older people prefer human contact

Town Hall

- Are we going down a path of selling all our assets?
- What do you mean by front doors? Will you be selling those assets or generating an income stream from them?

Hornchurch

- Are the property offices closing down on Chippenham Road? It is ok for people that are active, but not for those that aren't.

Harold Wood

- Looking at council tax support and Front Doors hurts the most vulnerable people. Reducing those could produce a time bomb later on and lead to more costs. This could hurt the Borough more if not protected.
- I'm just a bit concerned about everything going online and closing the Front Doors. I work with lots of vulnerable people who will be badly affected, as they have no Broadband/IT skills. A Community Hub is fine, but not one for the whole Borough.
- 49% of over 65's are not online, and we are the oldest Borough. You cannot use online as the online access point.

Rainham

- Need to ensure the sustainability of reducing the number of 'front doors'. Concerns that buildings would be closed and then due to increasing demand in the future re-opened

Elm Park

- Would only the number of physical locations of the front-door be reduced or would this include a reduction in front-door services as well?
- Residents suggested the information and advice could be clearer around who is the right person to speak to regarding a particular issue. Residents highlighted how sometimes it is importance to speak to a person as opposed to an automated response.

Libraries

North Romford

- One resident asked if Collier Row library was under threat and stated that they belong to groups there and have written a letter to the Council to highlight the importance of the library to local people.

Town Hall

- How many libraries will we have as a result of these proposals?
- Will you be closing libraries to develop community hubs?

Hornchurch

- Can you put a walk-in clinic in Harold Hill library?

- Did you say there are no plans to close any libraries? The smaller libraries have the potential to become hubs?
- This Hornchurch library closes at 10pm. Can we make the hours earlier in the morning?

Upminster

- Residents asked if there were plans to shut libraries.
- The leader was asked to confirm whether Upminster library would be shut
- One resident said how the library was important for social interaction and not just a bit of land to sell.

Harold Wood

- Do you see libraries having to close? As they do a lot supporting children and families and a lot supporting older people too.
- Do you physically own the libraries? *lots of concern regarding closing libraries.* Harold Wood library is particularly important, as it is in a good location next to the station (you talked about Connections). We need a Library/Community Hub in Harold Wood . . . (A) . . . There will be a lot of resistance in this area (to closing the library). I understand there are also lots of opportunities e.g. Community Café etc.
- Would there be the same amount of Libraries as Community Hubs, and would they be in the same location?

Elm Park

- How many and which libraries will be closed/reduced?

Community Hubs

Town Hall

- Is the community hub essentially a library?
- How many community hubs will there be?

Hornchurch

- Is there scope to say bring in a small post office/library in the Community Hub?
- Can you have walk-in clinics?

Public Conveniences

Hornchurch

- Will we be charged for using Community Toilets? . . . Are the main toilets in the market still to be open?
- Will there be a requirement to contribute to the costs of maintaining community toilets e.g. café toilets? It could be a system where you put 20p in a jar before you go in.

Rainham

- Is the Council going to establish whether there are enough businesses willing to offer their toilet facilities before they remove public conveniences?

Elm Park

- How will the Council ensure that there are a sufficient number of community conveniences available after 5pm when many shops and cafes close?
- How will the Council ensure that the public respect conveniences offered by local businesses?

Harold Hill

- In response to the proposal to move towards a community toilet scheme, one resident highlighted how Hilddene library has large signs up that say the toilets are only for use for those who have a library card and that the Council should lead by example.

Upminster

- The toilets next to Upminster park have been closed all summer and this has been very difficult for families with young children.
- Stickers should be put on windows and doors of shops/pubs so people can see that they can use the toilet. Important to have them in pubs which are open much longer.

Street Lighting

Hornchurch

- Do you have intelligence on which areas will need lighting and which won't?
- Can kinetic pavements work for street lighting?
- Some residents were concerned about an increase in crime if street lights were turned off.
- One resident indicated how a street light shines brightly into her bedroom window
- Can you get solar powered street lighting?

Rainham

- What percentage of the borough has LED lighting? How much more efficient is LED lighting?

Elm Park

- Would there be reductions in street lighting on roads that have dwellings on? How would the Council ensure that crime rates do not increase in areas where street lighting is reduced?

Upminster

- Reducing street lighting would increase anti-social behaviour particularly in Upminster and Cranham

Brokerage – Adult Social Care

Town Hall

- How does that save money (brokerage in adult social care)?

Rainham

- Charging for brokerage – one resident said that they would be very unhappy about this as a self-funder who would not receive other services from the Council and is already paying a lot of money for adult social care.

Hornchurch

- Charging for brokerage is targeting vulnerable people. The council doesn't charge people who have problems with children.

Refuse / Waste Management

North Romford

- Are we still staying on the weekly rubbish collection?
- Who can use the caged bins in the council flats? Fly tipping is terrible.

Hornchurch

- Are you going to recycle phones? Are you running out of waste sites?
- There's a lot in the press about variation between what can be recycled and what can't. Can the Council do more? Can some of the plastic that goes into recycling bins not be recycled? Can the method be changed to make it more effective?
- Is there a rubbish dump in Rainham?

Rainham

- Residents said there are not enough litter bins in the Rainham area by the station and library. It was suggested that there should be more litter bins by bus stops and where people walk regularly

Elm Park

- Is the Council going to look at how they can support schools more with recycling, particularly large numbers of milk cartons?

Upminster

- More cameras to prevent fly tipping would save the council money especially when it is asbestos based which is much more costly.
- Residents said fly tipping was a big issue in Upminster
- We are Festival created a lot of disruption and rubbish in the area. Getting to Romford on the bus was impossible. There was so much rubbish by Corbets Tey and they brought all their own food vans so don't spend money in our local shops.
- It costs a fortune to dispose of commercial waste.
- The charge for garden waste is very high in the borough. Most other boroughs include it in council tax.

Policing

North Romford

- You recently purchased Hornchurch Police Station. How much did that cost? The opening hours were severely reduced so it wasn't very accessible.

Town Hall

- Is the council buying Hornchurch police station? What will it cost?

- Will Hornchurch police station be used for anything other than police?

Hornchurch

- Is there any mention about the police? Does that come into these figures?
- How much does it cost to buy Hornchurch police station to open 4 hours a week?
- A smaller building could be used for the police station
- The leader said on the radio that the station had been bought.
- Is Romford police station secure?

Upminster

- Is there anyway of improving policing in Upminster e.g. for children in parks? It isn't safe for children playing in parks. The police say if it's anti-social behaviour to ring the council.
- Voluntary night pastors are very good at defusing situations. Could this be expanded to other areas? Jewish communities have their own services which works well.

Empty buildings

North Romford

- What about the empty shops in Romford?

Hornchurch

- Is there any element of being able to collect revenue on empty shop premises? The shop in the centre of Romford was closed ages ago . . . can't you force them to build something else?
- How do you know properties are empty?

Rainham

- Why does the proposal to tackle empty properties in the borough not include commercial properties?

Road and Pavement Repairs

North Romford

- When I first moved in in 1983, as soon as there was a crack in the pavement it was repaired. Now it's atrocious.

Housing

Town Hall

- From 2012 to the present day, how much social housing have the government sold?

Hornchurch

- They're supposed to be building a massive estate in Rainham. Why is the Mayor blocking it? Or is he pushing it?
- At The Old St George Hospital, lots of homes are being built. Is this private or through the Council? Is there asbestos in the building?

- How much does it cost to have 1,000 people in temporary accommodation? And when do you anticipate that number dropping?
- Why is all the regeneration happening flats? Flats are not suitable for the elderly population.
- There are lots of people moving into rented accommodation. Are you on top of HMOs?

Harold Wood

- Are we recovering any costs from other councils in terms of housing?
- How many land banks are there in Havering that have never been built on?

Rainham

- One resident was concerned over the number of planning applications for large blocks of flats in Romford.

Harold Hill

- One resident asked for reassurance that recent reports in the Romford Recorder were inaccurate and that residents living in PSL housing were not being moved out of the borough in order to save money.

Council Salaries

Town Hall

- What are the total councillors' allowances over recent years? It is a bitter pill to swallow with service cuts so it's not easy to see salaries not change.

Harold Wood

- How much could you save on agency staff? How much do you spend now?

Harold Hill

- One resident suggested that a review of salaries for councillors and council officers should be an option for reducing the budget gap.

Upminster

- How many outside consultants has the council got to do the transformation work?

Budget Consultation

- Do you know how many people have filled in the online budget consultation survey form?
- You said you had two people turn up to the Rainham Consultation, could you not advertise these sessions more widely? E.g. have a banner outside etc. This is at least as important as the Havering Show, and everyone knows where and when that is.
- There was an appreciation for holding the budget consultation and acknowledgement that the Council is working hard for local people.
- Residents felt that the documents provided for the consultation consisted of too much 'management speak' and is not accessible for residents.
- One resident felt that there wasn't a concrete set of proposals being put forward so it was difficult to give their views until this information is provided.
- It was difficult to complete the survey online, finding the information and clicking through.

Children and Young People

- Is the Council willing to invest more in the Youth council and opportunities and services for young people in the borough?

- A representative from the Youth Council highlighted concerns over the funding of the youth council and youth projects. The young person highlighted the rise in knife crime and the need to fund youth projects and spoke of the lack of youth centre facilities in the borough stating it's a long distance to travel to Myplace from Rainham. The representative also indicated missed opportunities to promote opportunities for young people to give their voice such as the national 'Make your Mark' campaign which they thought should have been promoted and supported by the Council.
- The Cocoon project was successful. Are you going to listen to what the people are saying now (outside the box)?
- Residents said that there was a lack of leisure facilities in Rainham and that young people were travelling to other boroughs to play sport at a high level.

Voluntary Sector

- One resident suggested that the Council should utilise the voluntary sector more highlighting how they are very resourceful and this knowledge could help the Council to provide services in a different way.
- There were concerns over the suggested reduction in voluntary sector grants as one resident highlighted their resourcefulness and how volunteering is very fulfilling for residents.

Queen's Theatre Grant

Hornchurch

- One resident agreed with the review of the grant and said theatre goers should fund the theatre.

Other Comments

- Several years ago you lost £11 million in an Icelandic bank. Why did you do that when we need that money for other things?
- Could we get a better variety of shops/restaurants? Everything is the same e.g. in Collier Row there are 4 Barbers. Is there anything you can do? For example, say no to an Indian Restaurant because there are already 4.
- Is your partnership with Newham still a value for money service?
- Why do voting records show every politician is voting for cuts?
- Are the parks going to be protected? What about Bedford's Park?
- Hackney Council have excluded petrol and diesel cars.
- There are a lot of risks with outsourcing aren't there? . . . It's also about negotiating the right contract.
- Are you looking at any renewable energy schemes?
- Are you still doing cross borough paper work? Do you share paper work between Boroughs?
- Old Council properties are getting on a bit and cost a lot of money to run, can they not have solar panels? Apparently they work better in the winter than in the summer because of the pollution.
- Are you trying to encourage more credit unions?
- Do you think the green belt is safe?

- At the Town Hall, if a member of staff is sick they have to call an external service. Is there a cost to this rather than doing it internally? . . . How much do we save on that?
- How much does Living cost? *I like reading it*
- A lot of the services in Havering have been outsourced. Have we ever quantified the savings associated with this?
- What plans do the Council have in place to offer more leisure facilities in the borough particularly the Rainham area?
- What is the Council doing to support local businesses by preventing private landlords charging high rents?
- How would the Council ensure that drones do not impact on resident's privacy?
- Residents said that there was a lack of leisure facilities in Rainham and that young people were travelling to other boroughs to play sport at a high level.
- One resident described issues with transport getting to Basildon and Southend.

What are your reasons for disagreeing with any of the proposals under the reductions in services and changes in income theme? What impact do you think this would have on you and your family?

46 respondents mentioned the word tax in their answer

I think that a small increase in council tax would mean that cutting back important services would be less likely. Those in more valuable properties or with empty property should pay more
After years of financial austerity it seems the same people will still be penalised by these proposals i.e. review of discretionary rate relief, charging brokerage for adult social care. However, I do agree with increasing council tax premiums on buildings empty over two years.
Council tax support should be paid partly by chasing payment and prosecuting those that evade payment. I disagree in us having to burden such extreme cuts in the first place however if it is already certain to go ahead reduction in street lighting could cost lives - it is too dark already to safely walk on uneven broken pavements. Council tax on empty properties should be 200% to help homelessness and our roads are dangerously pot holed and litter is bad
Our borough does not benefit from the same issues as boroughs. So even though we pay more tax, we have to reduce services. This is not acceptable.
The Box isn't big enough. Our borough gets hardly anything compared to other local boroughs. Yet our council tax is higher. Our council are too scared to ask government for more money.
There should be no reductions. INCREASE the council tax
Public convenience closure-should depend on where is nearest usable and publicising where. Council tax-care needed to protect vulnerable charities.
Public conveniences closure should depend on availability nearby being available. Council tax - care needed to protect vulnerable charities
Strongly agree with extra council tax on empty properties. Agree with review street lighting, Queens Theatre & Chafford Sports complex funding. Disagree with both proposals to review adult social care, change to discretionary rate relief (charities will have a bigger role with these cuts) & proposals re toilets
I am concerned that the less well-off are being expected to carry a heavier burden, with the reduction in Council tax support, and that adults in need of services are being expected to pay for brokerage, and for assistive technology. This will not have any impact on me as I am not in need of any of those services or Council Tax reductions.
I would prefer more tax and maintaining services but this is not an option. I don't expect it would affect me directly.
If the reductions are a result of increase in population stop over developing havering! If the government are to stop funding out of the taxes that we pay we should not have to pay for people to over populate the borough.
Really disagree with proposed council tax support. This is only applied for by the most in need that are on severely low income. Those temporary out of work, have the chance to go back to work but those who cannot i.e. severe mental disability who need 24/7 care and non-employed carers on Carers allowance topped up with Income Support do not have the luxury of going back to work because of these situations. I know so many carers who will not go down this poverty line anymore as can no longer get by on these severely low incomes and so their cared for have to ask social services for far more in the Direct Payment : which results in higher costs to the council. You need to get those who can afford to pay, pay far more i.e. no council tax reduction of unoccupied 2nd, 3rd plus homes. This consultation is about Havering and copying other boroughs is no excuse as a defence. When you are dealing with large amounts of money i.e. 100,000's to millions, you are losing contact with the reality of how important a few pounds a week literally mean to those with approx. £11 a day or less to live on and pay all their bills out of this and now you are taking their weekly heating or food allowance. Are you going to copy Scotland's free sanitary wear? The fact that this is a

big enough issue in poverty caused by a loss of a few Pounds a week reveals what a terrible impact this will have on people in a similar situation to me. plus I need to add, whilst I was lucky enough to have been educated as a child to a high Uni level and now find myself in this position, I can speak out but an awful lot of people cannot and are not aware until it is too late and then they feel they have to say nothing and just spend another night in the dark and cold or hungry. There is no justification to target these most vulnerable people in our society when there are far more ways of saving money. I am sure your Refreshment bill at the Town hall will more than cover it. I find it disgraceful that you are so ignorant to the fact that an extra bill of a few pounds a week is seen as so unimportant and manageable.

The council tax support system is there to assist the severely poor in our society and those that cannot stand up for themselves. These are the most vulnerable and poor that need this full support when they cannot work for a variety of Genuine reasons and are not abusers of the system that most seem to portray them as i.e. the false conception viewed in the media. They have to already have to find the 15% shortfall that came in a few years ago. When you are on £60 to £80 a week (as are the single allowances) this is a large amount to find. Many people may find this a small amount but to those of working age not in paid employment, what one pays for a tea and cake in Costa, is their food budget for the week or their Sanitary wear and toiletry budget. Out of this £10 to £15 a day, they are having to pay all their utility bills and are expected to find some rent as well as be contactable via phone or online access. This is no longer a luxury as if you do not have this, you cannot claim from the DWP. I am a carer for severe disabled family member who needs 24/7 care. I get 66pence an hour from the DWP and by paying the 15% these past few years has had serious implications to my budget. You basically are taking nearly half my food budget and I have also stopped some voluntary work when my DP son is out with a fully paid Carer as I have to think about the £3 costs of travelling there. Walking is not always an option because unpaid carers do not have time to do so as a luxury either.

Council tax reductions seem to target the most vulnerable of our community. With drawing discretionary rate relief will have an effect on our already vulnerable voluntary sector

Where has all the council tax gone? We have some of the highest tax as well as massive increases in parking charges in an area where there are constant major roadworks year on year since 2004

The council tax reduction would be unfair for low income families and would have an effect on them being able to be financially stable as the cost of other living expenses are increasing, not to mention the cost of renting in Havering is very high. I feel charging people for adult social care may decrease people getting the help they need.

I think the council tax charge should rise to maintain services.

Increase income by increasing council tax

Libraries should not close, street lighting should stay as it is, and toilets should stay open. All this means is cuts to a council that has one of the highest council taxes.

Charging disabled people more for council tax will affect my sister who is disabled and has a fixed budget

Services are reducing too much already whilst council tax increases. Havering residents pay far more than Westminster and Chelsea

We pay Rates Income Tax and Vat, where is all the money going?

Pressure on families struggling with high council tax rates but not benefit claimants.

I am and also other residents are on benefits or others on Universal Work Benefits, and cannot afford the 25%-15% which will get more people debt and also adding more debt on Council Tax (which already £19 billion owed by and in this Country. So what's the point of putting up?!!

Our household budget is already tight and Havering really do not provide us with good value considering the cost of our council tax when compared to other boroughs.

The government should be giving you the money instead of promising billions of pounds in foreign aid. Don't we pay enough money in taxes already?

I am currently unemployed & my JSA has been frozen until 2020.I am expected to pay £16.00 a month for Council Tax which I can ill afford. I struggle to pay my bills & live a frugal life due to financial constraints. I often go without the necessities. I do not agree with having to pay 25% which is a 10% increase & find it unfair
Serious impact to services provided and an increase in taxes from residents
More Council Tax, Less Benefit
Some of the proposals such as council tax support and charging people for brokerage effect the most vulnerable in our society
You should live within your means. Put up Council tax more than inflation
Services are already at a very low level for the money paid in Council Tax
There would be fewer services available for tax payers.
Council tax Benefit. The poor and sick can't afford it as it stands in 2018.To put the contribution up by anything is cruel.
Disabled people hit again as usual more council tax
Benefit monies are meant to provide minimum Maslow hierarchy existence, and you wish to go below even that?!? I don't know what effect it will have on my mental health, but I remember the Poll Tax riots by another famous Conservative taxing the poor. Is that what you want? Riots, increased crime and even (a let them eat cake) revolution. I already get next to nothing from your prior list of important services so I no commented.
I do not agree with the Increase In Council Tax Support contribution as you are asking people with little money to find money they have not got.
I live in a band D council tax, at nearly £1700 a year, I am on benefits due to disability, and my son who is 18 has just left 6th form and will be looking for work. I cannot downsize my home as no one wants it due to the high rent, and high council tax.
council tax reductions need to take into account single parents and families with children
Council Tax Support Reductions - I think that the Council should be sensitive to the needs of the poorest. Increased Council Tax premium on properties that have been empty for more than two years - this sounds like a good idea. Public conveniences - please make sure that suitable provision is in place before the current contract expires. Queen's Theatre grants review - sounds like a good idea.
council tax benefit reduction for working age people will make things worse for them
They are poorly formulated proposals and it is impossible to assess them, as currently drafted. For example, what types of public private partnerships are envisaged and how does the council intend to bring commerciality to services that are funded by council tax payers and which should be directed solely at meeting the obligations of the local community. None of the proposals are likely to have a direct impact upon me or my family, but I am very concerned that appropriate provisions will not be made for those require support. A desire to do something about homelessness, which is increasing all the time, is laudable but there is little strategy for achieving this.
We are paying Council Tax for council services. Put pressure on Central Government to properly fund councils. Get Andrew Rossendale to tell his bosses that all people matter, not just the elite!
It would affect us all. Put up the Council Tax to provide good services
Not sure about us stopping the support of assistive technology as upping the costs may put people off and then the holistic cost rises. Not sure about cutting the council tax support as it may end up costing us more money to recover council tax that people can't afford. I think it would be a shame to cut the funding to queens theatre but I think they will just need to up their costs and compete. I think residents will still go as an alternative to the west end and south end. otherwise I agree with them all

Equality Impact Assessment (EIA)

Document control

Title of activity:	Proposal to amend the Council Tax Support Scheme 2019
Type of activity:	This is a scheme which provides assistance to people on low incomes to help them pay their Council Tax.
Lead officer:	Chris Henry, Head of Council Tax & Benefits, Exchequer & Transactional Services, oneSource
Approved by:	Sarah Bryant, Director of Exchequer & Transactional Services
Date completed:	November 2018
Scheduled date for review:	June 2019

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Does the EIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	No

1. Equality Impact Assessment Checklist

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

Please complete the following checklist to determine whether or not you will need to complete an EIA. Please ensure you keep this section for your audit trail. If you have any questions, please contact the Corporate Policy and Diversity Team at diversity@haverling.gov.uk

About your activity

1	Title of activity	Proposal to amend the Council Tax Support Scheme 2019
2	Type of activity	This is a scheme which provides assistance to people on low incomes to help them pay their Council Tax.
3	Scope of activity	<p>Many people on low incomes can get Council Tax Support to help them pay their Council Tax bills. The Council Tax Support Scheme is funded by Central and local Government.</p> <p>The Council needs to address a £37million budget gap that remains over the next four years which has arisen through reduced Government funding, increasing costs and a growing and ageing population. The Council is developing a range of proposals to close the budget gap for the next two years and a review of the CTS scheme forms part of these proposals.</p> <p>The proposed scheme will continue to protect pensioners by law who will get the same level of council tax support as they do now.</p> <p>The proposals for 2019/20 are to:</p> <ul style="list-style-type: none"> • Increase the current Council Tax Support reduction for non- vulnerable working age claimants from 15% to 25%. This means that every non- vulnerable working age household would have to pay a minimum charge of 25% of their Council Tax Bill. This is an additional £2.20 per week in Council Tax. • Increase the current Council Tax Support reduction for vulnerable working age claimants from 15% to 20%. This means that every vulnerable working age household would have to pay a minimum

		charge of 20% of their Council Tax Bill. This is an additional £1.15 per week in Council Tax.
4a	Is the activity new or changing?	Yes – changing
4b	Is the activity likely to have an impact on individuals or groups?	
5	If you answered yes:	

Completed by:	Chris Henry, Head of Council Tax & Benefits
Date:	September 2018

2. Equality Impact Assessment

Background/context:

The Council proposes to amend the Council Tax Support (CTS) Scheme from April 2019. The scheme provides assistance to people on low incomes to help them pay their Council Tax.

The Council needs to make savings in order to balance its budget due to reductions in government grant, increasing costs and a growing and ageing population.

The CTS grant has been rolled into the Settlement Funding Allocation which has been reduced in 18/19 as part of the core funding reduction.

To balance the budget, the Council needs to **save** money by reducing running costs, and/or **raise** money by increasing income, most obviously through the Council Tax. The Council is developing a range of proposals to close the budget gap for the next two years and a review of the CTS scheme forms part of these proposals. .

The Council will consult on various options including which service to protect and which to reduce and whether residents think there any other realistic options available to manage the budget gap on the Council Tax Support Scheme that would produce a reasonable outcome, having regard to the needs of residents and the Council's budget position.

The proposed scheme will continue to protect pensioners who will get the same level of Council Tax Support as they do now.

The proposals for 2019/20 are to:

- Increase the current Council Tax Support reduction for working age claimants without disabilities from 15% to 25%. This means that every working age household without disabilities would have to pay a minimum charge of 25% of their Council Tax Bill.
- Increase the current Council Tax Support reduction for working age claimants with disabilities from 15% to 20%. This means that every working age household with disabilities would have to pay a minimum charge of 20% of their Council Tax Bill.

At any one time, approximately 9,000 working-age claimants are in receipt of Council Tax Support. Our proposals are based on reducing the amount of CTS received by working age people.

Working age disabled claimants are defined as people who have a disability income that

entitles them to one of the following premiums: disability, severe disability, enhanced disability, disabled child and/or carer when calculating their benefit.

To contextualise the changes, all working age claimants without disabilities (approx. 5,500) will be affected by increasing the 15% reduction to 25%.

All working age claimants with disabilities (approx. 3,400) will be affected by increasing the 15% reduction to 20%.

The proposed changes will have a disproportionate impact on low income working age households because Council Tax Support is designed for low income working age households.

The proposals to change the current CTS Scheme to help bridge the funding gap was subject to a nine week consultation, and have been part of a wider package of proposals.

All 9,000 working-age CTS claimants will be contacted and invited to share their views, along with the wider public by commenting on the Council's proposals via an online survey.

<u>Council Tax Support Case Group Descriptions</u>	<u>Count</u>
Elderly - Non-Passported - Carer	138
Elderly - Non-Passported - Child Under 5	0
Elderly - Non-Passported - Enhanced Disability	0
Elderly - Non-Passported - Family Premium	2
Elderly - Non-Passported - Family Premium - 1 Child	6
Elderly - Non-Passported - Family Premium - 2 Child	1
Elderly - Non-Passported - Family Premium - 4 Child	1
Elderly - Non-Passported - Non Dependant	335
Elderly - Non-Passported - Other	1692
Elderly - Non-Passported - Severe Disability	396
Elderly - Non-Passported - War Pensioners	15
Elderly - Non-Passported - Working	84
Elderly - Passported - Carer	164
Elderly - Passported - Child Under 5	1
Elderly - Passported - Enhanced Disability	0
Elderly - Passported - Family Premium	5
Elderly - Passported - Family Premium - 1 Child	14
Elderly - Passported - Family Premium - 2 Child	4
Elderly - Passported - Family Premium - 3 Child	1
Elderly - Passported - Family Premium - 4 Child	0
Elderly - Passported - Non Dependant	435
Elderly - Passported - Other	2085
Elderly - Passported - Severe Disability	835
Elderly - Passported - Working	18

TOTAL (Elderly) = 6232 (41%)	
Working Age - Non-Passported - Carer	121
Working Age - Non-Passported - Child Under 5	351
Working Age - Non-Passported - Disability	96
Working Age - Non-Passported - Disabled Child Premium	39
Working Age - Non-Passported - Enhanced Disability	229
Working Age - Non-Passported - Family Premium	90
Working Age - Non-Passported - Family Premium - 1 Child	627
Working Age - Non-Passported - Family Premium - 2 Child	465
Working Age - Non-Passported - Family Premium - 3 Child	183
Working Age - Non-Passported - Family Premium - 4 Child	52
Working Age - Non-Passported - Family Premium - 5 and above	5
Working Age - Non-Passported - Lone Parent Child Under 5	432
Working Age - Non-Passported - Non Dependant	39
Working Age - Non-Passported - Other	165
Working Age - Non-Passported - Severe Disability	153
Working Age - Non-Passported - War Pensioners	3
Working Age - Non-Passported - Working	382
Working Age - Passported - Carer	475
Working Age - Passported - Child Under 5	73
Working Age - Passported - Disability	159
Working Age - Passported - Disabled Child Premium	21
Working Age - Passported - Enhanced Disability	1195
Working Age - Passported - Family Premium	66
Working Age - Passported - Family Premium - 1 Child	376
Working Age - Passported - Family Premium - 2 Child	181
Working Age - Passported - Family Premium - 3 Child	49
Working Age - Passported - Family Premium - 4 Child	13
Working Age - Passported - Family Premium - 5 and Above	2
Working Age - Passported - Lone Parent Child Under 5	815
Working Age - Passported - Non Dependant	239
Working Age - Passported - Other	836
Working Age - Passported - Severe Disability	935
Working Age - Passported - Working	44
TOTAL (Working Age) = 8,911 (59%)	
Grand Total Working Age & Elderly)	15143

Age: Consider the full range of age groups		
Please tick (✓) the relevant box:		Overall impact: The proposed changes will impact negatively on working age Council Tax Support claimants. However, based on the findings from other London authorities who have implemented the same or higher reductions, we do not anticipate the impact to be significant.
Positive		
Neutral		
Negative	✓	
		This proposal would mean working age claimants without disabilities

		<p>would have an estimated additional £2.20 per week to pay in Council Tax. Working age claimants with disabilities would have an estimated additional £1.15 per week to pay in Council Tax.</p> <p>However, within the scope of the 2019 scheme, there is a Council Tax Discretionary policy to enable the Council to consider cases of hardship which will help mitigate any negative impacts.</p> <p>Pension age claimants (currently men and women aged 62½ and over) will not be affected by the change.</p>
<p>Evidence:</p> <p>At present approximately 59% of Council Tax Support claimants are working age and 41% are pension age.</p> <p>For comparison, the working age population (18 – 64 years) in Havering is 76% and the pension age population (65 and over) is 24%.</p> <p>The proposed changes mean that all working age Council Tax Support claimants not considered disabled for the purposes of the scheme will have to pay at least 25% towards their Council Tax and all working age Council Tax Support claimants considered disabled for the purposes of the scheme will have to pay at least 20% towards their Council Tax.</p>		
<p>Sources used:</p> <p>Council Tax Support caseload data Demographic, Diversity and Socio-economic Profile of Havering's Population March 2017 Havering Data Intelligence Hub Office of National Statistics (ONS)</p>		

Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions		
<i>Please tick (✓) the relevant box:</i>		Overall impact:
Positive		If the proposals are approved, disabled people who are of working age will also be negatively affected. This is because they are disproportionately represented amongst working age claimants who receive a reduction in Council Tax support.
Neutral		
Negative	✓	However, disabled claimants are partially protected by less of an increase, 5%, extra to pay compared to working age claimants who are not considered disabled for the purposes of the CTS scheme and who will have to pay an extra 10%.

		<p>This takes into account that disabled people are less likely to have the same opportunities and access to work and employment that would improve their financial situation.</p> <p>Support is also in place through the Council Tax Discretionary policy for those who suffer hardship as a result of these proposals in order to mitigate any negative impacts.</p> <p>Pension age Council Tax Support claimants are not affected by these proposals.</p>
<p>Evidence:</p> <p>In terms of Council Tax Support, disabled claimants are defined as people who have a disability income that entitles them to one of the following premiums: disability, severe disability, enhanced disability, disabled child and/or carer when calculating their benefit.</p> <p>Approximately 23% of working age Council Tax Support claimants meet the above definition compared with 21% of the working age population of Havering.</p> <p>The Council recognizes the barriers disabled people face and seek to assist address them by disregarding Disability Living Allowance and Attendance Allowance in the calculation of Council Tax Support. This often increases the amount of Council Tax Support a disabled person is entitled to. Havering has also chosen to disregard all Armed Forces compensation income from Veterans and Members of the Armed Forces.</p> <p>In addition to the above, the Council seeks to maximize Council Tax Support for disabled people by increasing the applicable amount for them through premiums. Currently, there are premiums for severe disability, enhanced disability and a disabled child rate. Such premiums are granted when Council Tax Support applicants receive a relevant disability related benefit granted and administered by the Department of Work & Pensions.</p> <p>Disabled people are historically disadvantaged and face greater barriers when accessing (information about) services and therefore disabled households are considered to be more vulnerable than other households. Disabled people who are unable to work receive higher levels of state benefits and while based on the proposals they will be subject to the 20% liability reduction, disabled working age claimants are likely to have a higher income than other unemployed, working age claimants whose council tax support will also be reduced.</p>		
<p>Sources used:</p> <p>Council Tax Support caseload data Demographic, Diversity and Socio-economic Profile of Havering's Population March 2017 Havering Data Intelligence Hub Office of National Statistics (ONS)</p>		

Sex/gender: Consider both men and women																	
Please tick (✓) the relevant box:		Overall impact: Due to the fact that only one claim is submitted per household, it is difficult to fully consider the implications the proposals will have on this protected characteristic. However, equalities monitoring indicates that the majority of claims (63%) are made by females (married and single titles) compared with males. We also know that lone parents, part-time workers and carers are more likely to be women. The proposals are therefore considered to have a disproportionate impact on women. Support is in place through the Council Tax Discretionary policy for those who suffer hardship as a result of these proposals in order to mitigate any negative impacts. The Council has considered the indirect discrimination and the legitimate aim of balancing the budget in the context of significant savings required. We also consider it is proportionate because the Council's budget situation is such that there are no feasible alternatives. Since 2013, Government grant for Council Tax Support was withdrawn and the scheme has been funded by the Council from its own resources. Changes to the Council Tax Support scheme have not been made since 2015. However, since 2015, the Council has increased the Council Tax by more than 1.96% each year.															
Positive																	
Neutral																	
Negative	✓																
Evidence: Council Tax Support caseload data July 2018: <table border="1" data-bbox="159 1482 1197 1765"> <thead> <tr> <th>Title on claim</th> <th>No.</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Mr Count</td> <td>4,810</td> <td>32%</td> </tr> <tr> <td>Mrs Count</td> <td>4,958</td> <td>33%</td> </tr> <tr> <td>Ms/Miss Count</td> <td>5,224</td> <td>35%</td> </tr> <tr> <td>Other</td> <td>59</td> <td>0%</td> </tr> </tbody> </table> <p>From the above table it is seen that in total 63% of the household claims are made by women.</p>			Title on claim	No.	Percentage	Mr Count	4,810	32%	Mrs Count	4,958	33%	Ms/Miss Count	5,224	35%	Other	59	0%
Title on claim	No.	Percentage															
Mr Count	4,810	32%															
Mrs Count	4,958	33%															
Ms/Miss Count	5,224	35%															
Other	59	0%															

Sources used:

Council Tax Support caseload data
 Demographic, Diversity and Socio-economic Profile of Havering's Population March 2017
 Havering Data Intelligence Hub
 Office of National Statistics (ONS)

Ethnicity/race: Consider the impact on different ethnic groups and nationalities

Please tick (✓)
 the relevant box:

Positive		Overall impact: Our data shows that BME claimants are slightly over-represented amongst working age claimants receiving Council Tax Support. There could be a negative impact of the proposals on people from Black and Minority Ethnic (BME) groups. This could imply that BME groups experience more difficulty in finding employment. Support is in place through the Council Tax Discretionary policy for those who suffer hardship as a result of these proposals in order to mitigate any negative impacts.
Neutral		
Negative	✓	

Evidence:

The tables below show the projected figures for the breakdown of Havering by ethnicity/race and for Benefits claimants where they have supplied this information. The data is difficult to compare due to the different classifications of ethnicity used.

2017 (Havering general population projection)	Number	Percentage of population (%)
All ethnicities	253,478	100.00
White	211,814	83.6
Black Caribbean	3,696	1.5
Black African	10,405	4.1
Black Other	1,510	0.6
Indian	7,405	2.9
Pakistani	2,400	0.9
Bangladeshi	1,883	0.7
Chinese	1,567	0.6
Other Asian	3,652	1.4
Mixed	7,498	3.0
Other	1,648	0.7
<i>BAME¹ Total</i>	<i>41,664</i>	<i>16.4</i>

¹ The GLA define BAME differently to the ONS. The GLA does not include a 'White Other' Group. Instead they have one category 'White' that includes 'White British' and 'White Other'.

Council Tax Support & Housing Benefit Claimants where Equalities information provided

Claimant Population	Number	Percentage of claimants who provided information
White/British	8689	65%
White/Irish	164	1.2%
White/Other	1175	8.7%
White & Black Caribbean	197	1.5%
White & Black African	95	0.7%
White & Asian	56	0.4%
Mixed/Other	110	0.8%
Asian/Asian British Indian	192	1.4%
Asian/Asian British Pakistan	238	1.8%
Asian/Asian British Bangladesh	214	1.6%
Asian/Asian British: Any Other	135	1%
Asian/Other	14	0.1%
Arab	44	0.3%
Black/Black British Caribbean	412	3.1%
Black/Black British African	1160	8.7%
Black/Black British Other	157	1.2%
Chinese	28	0.2%
Gypsy/Traveller	11	0.1%
Other Ethnic Group	228	1.7%
Declined	65	0.5%
Total	13384	100%

From the data provided above, it would appear that there is a disproportionate impact on BME claimants. 83.6% of Havering's population are defined as White, compared to 74.9% of benefit claimants who define themselves as White (including 'White: Other').

Sources used:

Council Tax Support caseload data
Demographic, Diversity and Socio-economic Profile of Havering's Population March 2017
Havering Data Intelligence Hub
Office of National Statistics (ONS)

*

Religion/fait: Consider people from different religions or beliefs including those with no religion or belief

Please tick (✓) the relevant box:

Overall impact:

Positive

Not known

Neutral

There is no information available to make an assessment on the impact of the proposals on this protected characteristic.

Negative

Evidence:
Sources used:

Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual	
<i>Please tick (✓) the relevant box:</i>	Overall impact:
Positive	Not known
Neutral	There is no information available to make an assessment on the impact of the proposals on this protected characteristic.
Negative	
Evidence:	
Sources used:	

Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth	
<i>Please tick (✓) the relevant box:</i>	Overall impact:
Positive	Not known
Neutral	There is no information available to make an assessment on the impact of the proposals on this protected characteristic.
Negative	
Evidence:	
.	

Sources used:

Marriage/civil partnership: Consider people in a marriage or civil partnership	
<i>Please tick (✓) the relevant box:</i>	Overall impact:
Positive	Not known
Neutral	There is insufficient information available to make an assessment on the impact of the proposals on this protected characteristic.
Negative	
Evidence:	
Sources used:	

Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave	
<i>Please tick (✓) the relevant box:</i>	Overall impact:
Positive	Working mothers on maternity leave and women with caring responsibilities tend to have less income and/or reduced access to the labour market. However, there is insufficient information available to make an assessment on the impact of the proposals on this protected characteristic.
Neutral	
Negative	✓ It is perceived that there may also be equality implications for parents with young children and babies, particularly lone parents who may experience a negative impact. Support is in place through the Council Tax Discretionary policy for those who suffer hardship as a result of these proposals in order to mitigate any negative impacts.

Evidence:
Sources used:

Socio-economic status: Consider those who are from low income or financially excluded backgrounds		
<i>Please tick (✓) the relevant box:</i>	Overall impact:	
Positive		Council Tax Support is a means tested scheme available to households on low incomes. Therefore all recipients would be considered to be at a socio-economic disadvantage, particularly lone parents (most likely to be women), part-time workers (most likely to be women), working-age couples on low income, large households (more likely to be from BME backgrounds) and carers (most likely to be women). Support is in place through the Council Tax Discretionary policy for those who suffer hardship as a result of these proposals in order to mitigate any negative impacts. Pension age Council Tax Support claimants will not be affected and will continue to receive similar levels of support with their council tax bills as they do at present.
Neutral		
Negative	✓	
Evidence: Please refer to breakdowns of Council Tax Support claimants available above.		
Sources used: Council Tax Support caseload data Demographic, Diversity and Socio-economic Profile of Havering's Population March 2017 Havering Data Intelligence Hub Office of National Statistics (ONS)		

Action Plan

In this section you should list the specific actions that set out how you will address any negative equality impacts you have identified in this assessment.

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer
All	✓	Consultation on the proposed changes to take place in August & September 2018 and will report the results to Cabinet in January 2019	Individual households will have access to formal appeal and review arrangements should they have complaints or concerns about the assessment criteria and method used to identify the Council Tax Support they need.	January 2019	Chris Henry
All	✓	Monitor implication of change in Council Tax Support.	We will monitor the impact of the changes and take-up of hardship funds as part of our performance and quality checking systems. The performance data collated, including satisfaction surveys and community profile monitoring will form part of regular reporting arrangements to senior management and	February 2019	Debbie Wheatley

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer
			members. Citizens' Advice Bureau commissioned to assist provides debt counselling and advice.		
All	✓	The Council Tax Discretionary Policy	The policy is available on the Internet for any claimant struggling to pay their Council Tax. Five applications were received in 2017/18, 2 were awarded a discretionary payment, two were assisted by other welfare benefits and the remaining claimant failed to provide information on request however, did remit the balance of the Council Tax due for 2017/18.		
All	✓	All affected CTS applicants to be contacted in advance to advise of change if agreed prior to annual billing	Customers will have time to adjust and make appropriate payment arrangements. The Council Tax Service will consider more lenient payment plans that allow CTS claimants additional time to pay.	April 2019	Rav Nizzer

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer
Disability	✓	“Removing the Barrier”	<p>This is a practical event planned for International Day of the Disabled Person to engage with and advance the rights and wellbeing of persons with disabilities.</p> <p>The agenda will include public Speakers, open forum discussions and opportunities to develop and contribute local policy.</p>	December 2018	Vernal Scott

Review

The EIA will be reviewed at bi-annual intervals.

London Borough of Havering

Summary: Draft Council Tax Support Scheme 2019

Introduction

Each local authority is required by Section 9 of the Local Government Finance Act 2012 (the Act) to produce a Council Tax Support Scheme. The Scheme must be designed to support low income, working age households pay their Council Tax.

This document summarises the proposed Council Tax Support Scheme 2019 (2019 scheme) which the Council has produced in accordance with Schedule 4 of the Act.

The proposed 2019 scheme has due regard to the Department for Communities and Local Government's policy intentions and unequivocally protects pensioners.

Havering's Council Tax Support Scheme has been interpreted and applied in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 which set out what must be included in the scheme.

Summary of Council Tax Support Scheme changes from April 2019

The 2019 scheme will adopt the existing Council Tax Support Scheme as summarised in this document subject to the following amendments:

1. Set the maximum Council Tax Support to 75% of the Council Tax due for working age claimants who are not considered disabled (currently 85% for all working age claimants). This means that every working age household that is not considered disabled would have to pay a minimum charge of 25% towards their council tax bill.
2. Set the maximum Council Tax Support to 80% of the council tax due for working age claimants who are considered disabled (currently 85% for all working age claimants). This means that every working age household that is considered disabled would have to pay a minimum charge of 20% towards their Council Tax Bill

Disabled claimants for the purposes of the scheme are defined as people who have a disability income that entitles them to one of the following premiums: disability, severe disability, enhanced disability, disabled child and/or carer when calculating their benefit.

In this document 'the current scheme' means Havering's existing Council Tax Support scheme which was adopted in January 2013 and amended with effect from April 2014 and April 2015.

Unless expressly stated otherwise, the provisions outlined below relate solely to working age applicants under the current scheme.

This document summarises the Council's proposed Scheme for eligible working age Council Tax payers to receive council tax support.

The scheme applicable to pensioners is defined in The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, Part 3, and Schedules 1 to 6, which is adopted within this scheme.

The procedure for the application and calculation of the 2019 scheme is summarised below and is made in accordance with Schedules 7 and 8 of the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012.

The principles embodying the 2019 Scheme include the following:

- Havering will be expected to manage significant reductions in subsidised expenditure.
- Regulations have been set to protect claimants of state pension credit age.
- Consultation on the scheme will take place with precepting authorities and the public.
- The Council will adopt the final scheme before 31 March 2019 or the default scheme will apply.
- The Council will aim to protect vulnerable groups.
- In developing schemes, Havering will consider incentivising claimants into work.

The Local Council Tax Support Scheme includes the following:

- Introduction and definitions
- Prescribed of persons
- Provisions relating to entitlement under the scheme
- Applicable amounts
- Maximum Council Tax Reduction
- Amount of reduction under the scheme
- Assessment of Income and Capital under the scheme
- Students
- Applications
- Extended reductions
- Period of entitlement and changes of circumstances
- Schedules

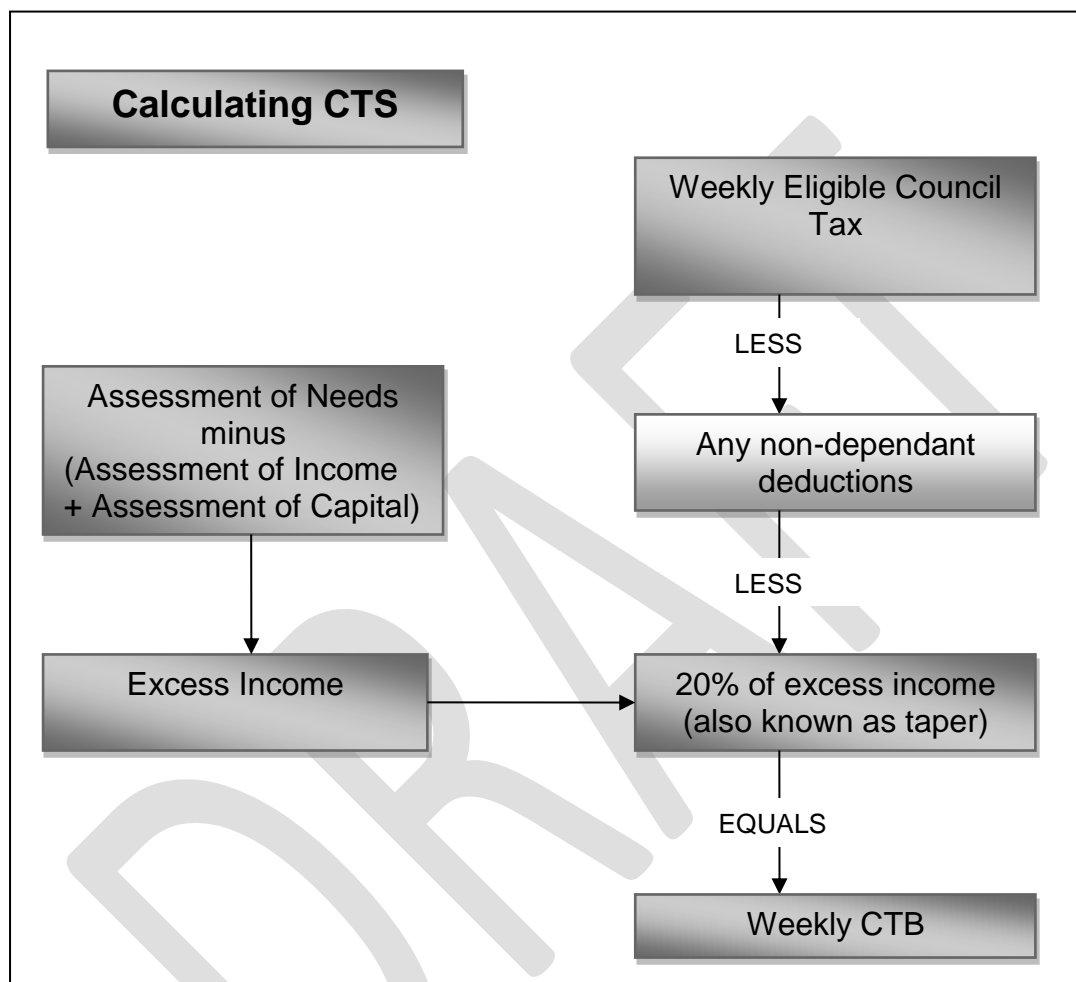
The Council Tax Support Calculation

The starting point for all calculations of Council Tax Support is the claimant's 'maximum benefit'. This is the claimant's weekly eligible Council Tax less any non-dependant deductions that apply.

Income and capital are compared to the claimant's applicable amount. Any income over the applicable amount is known as the Excess Income.

The claimant qualifies for maximum support less 20% of any excess income figure. The 20% reduction to the maximum benefit is known as a taper.

Claimants in receipt of Job Seeker's Allowance and Income Support have already been assessed by the Department for Work and Pensions (DWP) as having income lower than their applicable amount and so will receive maximum council tax support less any non-dependant deductions.



Non-dependant deductions

A non-dependant deduction is an amount of council tax that is due from the CTS claimant because there is another adult (non-dependant), who is not the claimant's partner, living in the household who receives an income. This reduces the amount of CTS a claimant will receive which is described in paragraph 58 of the draft 2017 scheme as follows:

- (1) Subject to the following provisions of this regulation, the non-dependant deductions in respect of a day referred to in regulation 57 (maximum council tax benefit) shall be—
 - (a) in respect of a non-dependant aged 18 or over in remunerative work, £20.00 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £6.00 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) Less than £202.85, the deduction to be made under this regulation shall be that specified in paragraph (1)(b);
- (b) Not less than £202.85 but less than £351.65, the deduction to be made under this regulation shall be £9.00;
- (c) Not less than £351.65 but less than £436.90, the deduction to be made under this regulation shall be £15.00.

From April 2014 onwards, the eligible weekly council tax used to calculate council tax support shall be no higher than the weekly Council Tax Band D value for a property in Havering.

Paragraph 57 of the draft CTS scheme 2017 provides that:

- (1) Subject to paragraphs (2) to (5), the amount of a person's maximum council tax benefit in respect of a day for which he is liable to pay council tax, shall be 100 per cent of the amount A/B where—
 - (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under regulation 58 (non-dependant deductions).
- (2) In calculating a person's maximum council tax benefit 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.
- (3) The level of any Council Tax Support awarded shall be restricted to the level of band D
- (4) Subject to paragraph (5), where a claimant 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 claimant who is a student to whom regulation 45(2) (students who are excluded from entitlement to council tax benefit) applies, in determining the maximum council tax benefit in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.
- (5) Where a claimant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (4) shall not apply in his case.

From April 2019 onwards, Maximum Council Tax Support for working age claimants without disabilities will reduce by 25% (currently 15%). For working age claimants classified as disabled for the purposes of the 2019 scheme, the maximum council tax support will reduce by 20% (currently 15%).

This means that working age households (not disabled) have to pay a minimum charge of 25% of their Council Tax Bill and working age disabled households have to pay a minimum charge of 20% of their Council Tax bill.

Paragraph 29A of the draft CTS scheme 2019 provides that:

(1) Subject to sub-paragraphs (2) to (4), for persons in classes D to E in this scheme a person's maximum council tax reduction amount in respect of a day is 75 per cent for working age (not disabled) & 80% for working age (disabled) of the amount A/B where—

(a) A is 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; and

(b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under paragraph 30A (non-dependant deductions: persons who are not pensioners) and any award restricted to the level of Band D

From April 2015 onwards, the amount of savings and investments people are allowed to have and still be entitled to claim CTS was reduced from £16,000 to £6,000.

The CTS scheme 2013/14 and 2014/15 did not accept claims from applicants who have savings and investments of more than £16,000. These individual were not entitled to any CTS.

From April 2015, applicants who have more than £6,000 in savings or investments are not be eligible to claim and will therefore have no entitlement to CTS.

Paragraph 23 of the draft CTS scheme states that:

(1) The class of person described in this paragraph consists of -

(a) Persons in class A and B whose capital exceeds £16,000

(b) Persons in class D and E whose capital exceeds £6,000.

From April 2015 onwards, Second Adult Rebate was abolished.

Second Adult Rebate supports working age council tax payers whose income is too high in their own right for Council Tax Support but who have other adults living in the household whose income is low.

Applications for Council Tax Support

This part applies to both pension-age and working-age applicants

The following procedure has been set in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, referred to as 'the Regulations' below.

Entitlement to CTS is legally dependent on an application being made in the following way:

An application may be made:

- (a) In writing
- (b) By means of an electronic communication or
- (c) By telephone following publication by the Council of a number for this purpose.

The form provided by the Council for this purpose must be properly completed, and the Council may require the applicant to complete the form in the proper manner, and may further require that further information and evidence is provided by the applicant.

An application will be made defective if the applicant does not provide all of the information the Council requires.

Applications made by telephone will only be accepted if the applicant provides a written statement of their circumstances in the format required by the Council.

The Council will allow a certain length of time for applicants to correct any defects in their application.

The Regulations provide for which classes of people are eligible to make application for Council Tax Support.

Evidence and information

Any person who makes an application or any person to whom a reduction under the CTS scheme 2019 has been awarded shall furnish such certificates, documents, information and evidence in connection with the application or award, or question arising out of it as may reasonably be required by the Council in order to determine the person's entitlement. Where the Council requests information it shall inform the applicant or person of their duty to notify the Council of any change of circumstances and shall indicate the kind of changes of circumstances which are to be notified.

Matters related to the electronic communication of information, proof of delivery and content of information will be determined in accordance with Part 4 of Schedule 7 of the Regulations.

Where the person is a pensioner paragraph 7(4) (5) (6) and (7) of Schedule 8 of the Regulations apply which specify matters relevant to evidence and information related to pensioners.

Amendment and withdrawal of applications

Any person who has made an application may amend it at any time before a decision had been made by serving a notice in writing to the Council in accordance with paragraph 8 of Schedule 8 of the Regulations.

Decisions by the Council

The Council will make a decision in respect of any application for a reduction under this scheme in accordance with the criteria set out within the CTS scheme 2019 rules.

The decision will be made within 14 days or as soon as reasonably practicable of the Council receiving at its designated office the properly completed application or the information requested to complete it or the evidence required. The date upon which the Council is deemed to have received the properly completed application shall be determined in accordance with paragraphs 6 of Schedule 1, paragraph 7 and Part 1 of Schedule 7 of the Regulations being satisfied, or as soon as reasonably practicable thereafter.

The Council will notify the applicant or any person affected by its decision under the scheme in writing forthwith, or as soon as reasonably practicable.

Any person affected to whom the Council sends or delivers a notification of a decision to may, within one month of the notification of the decision, request in writing from the Council a statement setting out the reasons for its decision on any matter set out in the notice.

Following receipt of a request for a written statement the Council will provide this within 14 days or as soon as reasonably practicable thereafter.

Where an award or payment of reduction is made the time and manner of granting the reduction under the scheme will be in accordance with Part 5 of Schedule 8 of the Regulations.

Change of circumstances

For persons who are not pensioners the date on which changes of circumstances are to take effect will be determined in accordance with paragraph 4 of Part 2 of Schedule 8 of the Regulations.

Procedure for making an appeal

Any applicant who is not in agreement with the decision of the Council taken under this scheme may service a notice in writing on the Council setting out their reasons and grounds upon which they believe the Council has made the wrong decision.

Following receipt of an appeal in writing the Council will:

- (1) Consider the appeal
- (2) Notify the applicant in writing of the following:
 - (i) Any decision not to uphold the appeal and the reasons for that; or
 - (ii) That steps are being taken to proceed with the appeal and set out what steps.

Where an applicant remains dissatisfied following receipt of any written notice sent by the Council in response to their appeal, they may within two months of the service of that notice, appeal to the valuation tribunal.

Applications for further discretionary reductions

Under Section 13A(1)(c) of the Local Government Finance Act 1992 and The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, the Authority will consider applications for a further reduction in Council Tax.

There will be financial implications in that the cost of any reduction will be a direct cost to the Council. The cost of any discretionary reduction will, therefore, have to be met by the rest of the council taxpayers.

Applications must be made in writing or by prescribed electronic communications.

The Council will, in making decisions for further discretionary reductions, have due regard to its duties under The Child Poverty Act 2010, The Housing Act 1996, and The Equality Act 2010.

The Council will review all relevant matters when deciding whether to award a reduction including, but not limited to:

- The circumstances of any other person with whom the applicant is jointly and severally liable for Council Tax.
- The overall financial situation of the applicant and the applicant's family.
- The effect the council believes making an award will have on the applicant and any members of the applicant's family.
- Protecting the public purse and maintaining financial budgets.

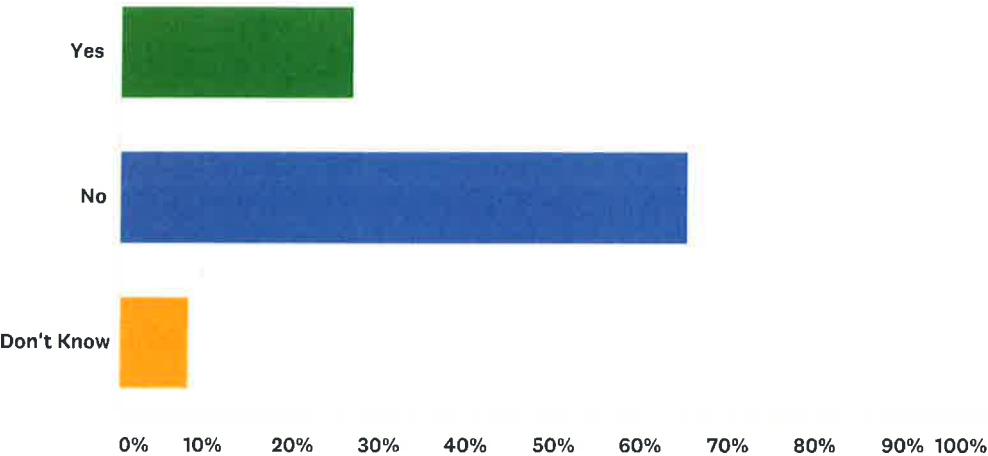
A person who applies for a discretionary reduction may request that the Council review its decision. Any such request must be made in writing and be received within one month of the date the notification of the decision.

If practicable, another more senior officer, will reconsider the decision in light of all available evidence and, if appropriate amend it. Any change may lead to either a reduction or an increase in any award.

A further right of review will be available against the decision as reviewed which will be considered by a manager but only against the legality of the decision and not the actual outcome.

Q1 Is it reasonable to expect working age claimants without a disability to pay at least the minimum amount of 25% towards their Council Tax bill?

Answered: 138 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	26.81%	37
No	65.22%	90
Don't Know	7.97%	11
TOTAL		138

Q2 Comments on question 1

Answered: 66 Skipped: 74

#	RESPONSES	DATE
1	These are the people who are under most financial pressure. It is better to ask the comfortably off (like me) to pay more.	9/30/2018 10:07 AM
2	What does "reasonable" mean - isn't this different from one person to another? How can objective answers to this question be obtained? How can we infer, not knowing anything about any one person's particular circumstances, if any whole-group increase is reasonable?	9/29/2018 11:25 AM
3	I am currently struggling to survive on the benefits received, and if I have less to spend I will have to reduce my the energy(meaning insufficient heating in the winter) and food expenditure (which means I that I will not be able to buy food at the end of the month).	9/28/2018 1:43 PM
4	i was not aware until today	9/27/2018 5:26 PM
5	Depending on financial assessment of affordability	9/27/2018 4:02 PM
6	It's depend	9/25/2018 2:59 PM
7	That is fair	9/16/2018 11:46 PM
8	Struggling to pay it at 15%	9/16/2018 3:02 PM
9	anyone work should pay towards they council tax bill	9/12/2018 10:06 PM
10	I believe this uplift is reasonable.	9/10/2018 2:31 PM
11	vulnerable The vulnerable should be protected, not exploited for shortfalls	9/9/2018 7:34 PM
12	I don't believe 25% is much to pay.	9/6/2018 11:12 AM
13	They.will get more in to trouble paying other bills	9/5/2018 5:08 PM
14	Everyone of working age should be liable to pay Council Tax, it is not fair that they should be subsidised by the Tax Payer.	9/5/2018 12:31 AM
15	As far as I understand it the amount of money currently recieved is at subsistence level - hence the qualification for CT benefit. There is no surplus - what do you expect them to forgo?	9/4/2018 12:05 PM
16	Yes	8/30/2018 4:28 PM
17	It must however be borne in mind that people's incomes are not increasing and it could be causing undue hardship to some, especially if council tax is set to increase for everyone.	8/29/2018 8:08 PM
18	It is a struggle to pay the 25% when the person does not have much money to begin with and just about gets by with the money they have	8/29/2018 3:32 PM
19	They are able to work	8/29/2018 11:43 AM
20	Due to Brexit cost of living has risen so very hard to pay for bills when on benefits.	8/28/2018 6:25 PM
21	'Without a disability' - if a person is on ESA and not considered to have a disability they receive less in benefits than those with a disability, so would find it even harder. Plus, who exactly will define who has a disability? Is that everyone in ESA support group?	8/28/2018 4:50 PM
22	Rising austerity is in full effect. Poverty is at an all time high. an extra £8-10 per month is money to go towards gas, electric or any other bill. Some families I know are living on £40 a week with a family of four. The Government clearly don't understand the effect austerity has on the poorer communities so wish to take from their pockets. This goes for Central Government and Local. 	8/28/2018 11:56 AM
23	I have an ongoing illness which limits my ability to work full-time but is not classed as disability so my earnings are low. An extra 10% increase on bill is a lot for people that already need help and it always appears that those in most need get penalised.	8/27/2018 6:26 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

24	I think its a joke paying what we do for council tax already! My block is never cleaned properly! The bins are left more than a week before being emptied and this is a regular occurence! The communal area is often a mess the council barely maintains it. Cannot believe you want us to pay even more.	8/24/2018 9:03 AM
25	This will cause undue hardship in a time of austerity. You will end up with more people in debt forcing them out of their homes and possible court cases to chase the cover debt owed simply because you increased the council tax. This will not be cost effective for the council in the long run as it may potentially cost money taking these cases to court to enforce and recover any debts. People of working age who are claiming cts are already struggling to feed themselves and heat their homes including keeping a roof over their heads. Maybe increase it for households where there are two adults or more. Moreover isn't it unlawful to raise council tax by 2% or more without a local referendum? Having a survey or consultation via survey monkey is not a local referendum.	8/23/2018 11:18 AM
26	benefits recipients should not be subject to direct taxation	8/22/2018 8:04 PM
27	I am a full time carer looking after my disabled son. I only get a minimum a week and I can't work because of his care and anxiety and depression. I can't afford anymore!	8/21/2018 1:07 PM
28	Not if they are sick. What is the point of handing people benefit for sickness only to sneakily try and claw it back with increases in Council Tax. There was already a pay freeze for sick people for two years a couple of years ago. Why are people who are sick through no fault of their own, always targeted. There are plenty of people living in council houses who have cars, sometimes two cars - these costs include: outlay for the car, car tax, car insurance, servicing, petrol, etc. I have to get the bus to and from supermarkets with heavy shopping, most of these people don't actually need cars and surely, if they can afford a car then they can afford to rent privately.	8/17/2018 2:17 PM
29	Once again, you are targeting the poorest in the Borough. Where do you expect people already struggling, to find this extra money?	8/16/2018 4:34 PM
30	They only receive a minimal amount of money from the job seekers. They still have to pay for fares to job interviews, buy food, clothing and pay bills either for themselves or for family. they struggle already i feel it would be unfair to put them further into poverty.	8/14/2018 10:58 AM
31	Some people are struggling under universal credit so increasing ct will only make life harder	8/13/2018 3:16 PM
32	we need to pay for services but money should be paid only if worth it that a main reason lots of people think otherwise	8/13/2018 12:24 PM
33	It's already high without raising it.	8/11/2018 12:57 PM
34	If their only income is benefits then they are given the minimum allowed to be able to live on. To take more money will leave them even further in poverty	8/11/2018 11:53 AM
35	claimants benefits will not be increased to cover that additional 10% and how many claimants are taken to court for non payment at the current rate? Which cost the council additional cost due to court expenses there for this amount would increase as more people will not be able to pay the additional percentage therefore will incur great cost to council in court cost	8/11/2018 11:45 AM
36	It's not all black and white! You can't tar everyone with the same brush. Some have more money coming in than others and thanks to Universal Credits most now have less than a year ago.	8/11/2018 11:25 AM
37	No it isn't reasonable to even expect those on state benefits to pay even 15% let alone 25%. The reason being that non disability related out of work benefits have been frozen indefinitely which means those claimants are seeing further reduction in their income as the cost of living increases. The CTS proposals will add even more oreashre to claimants ability to keep their head above water, forcing them further into poverty which is likely to cause a further increase on demands for other local authority and government services. Out of work benefits are to cover daily living expenses, which traditionally does not include paying for council tax. Another distasteful aspect of this attack on the poor is that when Council budgets begin to recover in future, I don't envisage local authorities reversing the CTS reforms. Secondly, whatever is the outcome of this questionnaire, local authorities will go ahead with the proposals in any case because it seems the poor are an easy target for government.	8/11/2018 9:38 AM
38	People are already living on the bread line, everything has gone up in price the energy suppliers gas and electricity is going up at an alarming rate, people are literally starving.	8/10/2018 12:28 PM
39	As long as they have job allowance support coming in to make sure they can have a decent quality of life.	8/9/2018 4:36 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

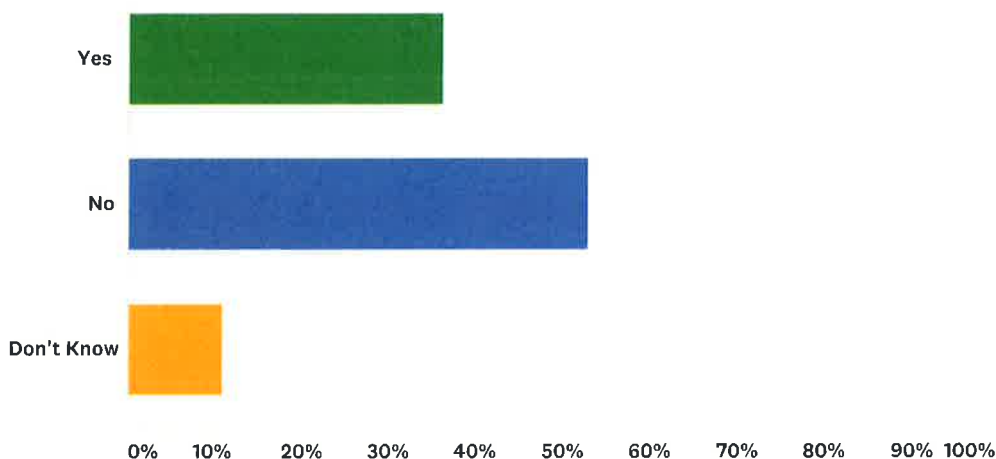
40	if they are happy to claim benefits then they should still make a contribution to the borough where they live	8/9/2018 4:33 PM
41	Yes, everyone needs to pay it.	8/9/2018 4:23 PM
42	Where do they get the extra cash to pay this. It is again making it harder for CTS people to live	8/8/2018 5:32 PM
43	Because some people of working age are on benefits and are not even able to feed theirs family for the month with out having to go to the local food bank, not to mention those low income families who also are left visiting the local food banks because their wages doesn't cover all the bills and food cost.	8/8/2018 2:55 PM
44	Not everybody who has a disability gets extra help with money and job seekers allowance wouldn't increase to pay a larger amount	8/7/2018 7:57 PM
45	They can't afford what they have to pay now.... another £10 a month is cruel! It might not be much to the Council but it is to a lot of people on benefits.	8/7/2018 7:03 PM
46	Think you take enough council tax and do nothing with it all ready	8/7/2018 5:29 PM
47	If you are able to work full time i think you should pay something toward public services	8/7/2018 4:54 PM
48	You are targeting people with the least ability to pay. Pensioners are exempt but could have a higher income than many working age benefit claimants.	8/7/2018 3:42 PM
49	Not easy living on Job Seekers Allowance	8/7/2018 2:49 PM
50	vulnerable The council is scamming people. It is not meant to be a money making scheme/scam yet they have [REDACTED] How about you go to the wealthy to get your extra funding, rather than robbing the poor? It is not the fault of the poor that the council wastes money on things we don't need, and drains money into the pockets of the wealthy. [REDACTED] [REDACTED]	8/7/2018 2:20 PM
51	People who are on a low income or only work part time may not be able to afford the increase	8/7/2018 2:15 PM
52	The cost of living is too high already every pound you take extra is putting families nearer the breadline already . Manyy working people in havering don't get ctax support even though their monthly income isn't enough to provide basic needs for their families. So now you're already ignoring the needs of some families and are proposing to penalise those of us who are struggling already to exist on the current level of benefits.	8/7/2018 1:43 PM
53	This is blatant discrimination : the government dictate the amount of benefit they pay per week - this is the bare minimum a human being is expected to survive on -WHY are the council robbing claimants of their basic benefit allowance - they are only given the minimum to start with....if pensioners are not expected to pay, then every other person drawing government allowance CANNOT be expected to pay: DISCRIMINATION; He matter must be referred to a court of law as I believe the council is being discriminatory and needs prosecuting.	8/7/2018 1:09 PM
54	Because with the rise in prices for cost of living people are already struggling to pay bills	8/7/2018 12:49 PM
55	For single people on benefits, it is already hard to cover the cost of 15%	8/7/2018 12:27 PM
56	My only income is ESA, and I'm already struggling with bills. With this change, it seems that things will get even harder.	8/5/2018 8:14 PM
57	1. You have not provided a solid rational for charging working age claimants without a disability more than those with a disability? 2. Where is the equality in this proposal? If your going to decrease the percentage of support, then be fair to all. 3. You say only 'an extra £2.20 per week extra, this is roughly £10 extra per month. For me, this would lead to financial hardship for our family as I already live on a shoes string. Shall I take £10 out of my food budget for you? Anyone who is claiming council tax support, those with or without a disability, are the most deprived families.	8/5/2018 5:55 PM
58	I cannot understand how It is possible to ask for extra money from those who have little In the first place. You are asking people with little or nothing to find money they have not got. Is It not time to reform Council Tax and ask those with the broadest shoulders to pay the same proportion as those with the least.	8/5/2018 8:08 AM
59	I can hardly afford to live now. Every penny counts! Too much of an increase!	8/4/2018 10:27 PM
60	Jobseekers allowance never increases so how would people be able to afford to pay more	8/4/2018 6:16 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

61	Benefit entitlements are not rising with the changes in outgoing bills, which are rising, food costs are rising and so is the service charges, putting people who are finding it difficult to get back into work or with families deeper into poverty, find another way.	8/4/2018 1:58 PM
62	Jobseekers Allowance just does not factor this into "living costs" where are people meant to find this money?	8/4/2018 12:06 PM
63	You need to look at the bigger picture of these claimants. Do they have children? Are they a lone parent?	8/4/2018 10:53 AM
64	If they can afford to then they should. But IF for whatever reason they can't, Then there should be substantial help available	8/4/2018 10:35 AM
65	lots of claimants only get £73 of personal money to live on(by law)and after taking of bills etc they have nothing extra to pay towards the extra money required. so no money should be taken at all.	8/4/2018 9:47 AM
66	agree	8/1/2018 10:27 AM

Q3 Should working age claimants who are disabled and less able to increase their household incomes, be protected and pay a minimum of 20% towards their Council Tax bill rather than 25%?

Answered: 138 Skipped: 2



ANSWER CHOICES

Yes
No
Don't Know
TOTAL

RESPONSES

36.23%	50
52.90%	73
10.87%	15
	138

Q4 Comments on question 3

Answered: 70 Skipped: 70

#	RESPONSES	DATE
1	Disabled people are even worse off, and often have extra costs due to their disability. They need further protection.	9/30/2018 10:07 AM
2	This change adversely affects those who are already more likely to have less, and less likely to be able to find work, or better paid work, to make up the extra cost.	9/29/2018 11:25 AM
3	Depends on their circumstances, they should not be disadvantaged, everybody should be provided with support if they genuinely need it.	9/28/2018 1:43 PM
4	I have no knowledge of Disabilities benefits	9/27/2018 5:26 PM
5	Just because you are disabled it doesn't always mean limited funds. Financial assessment should help to settle this rather than a discount just because you are disabled	9/27/2018 4:02 PM
6	surely it must depend upon their actual income as against outgoings, including rent and rates.	9/26/2018 6:31 PM
7	Because the person is disabled and can't work full time	9/25/2018 2:59 PM
8	This is fair as well	9/16/2018 11:46 PM
9	You are putting financial burdens on the poorest in society	9/16/2018 3:02 PM
10	I don't know	9/12/2018 10:06 PM
11	I don't think 25% is unreasonable.	9/10/2018 2:31 PM
12	As above	9/9/2018 7:34 PM
13	They only have a fixed income and will struggle if they have to pay more than 20%.	9/6/2018 11:12 AM
14	Not disabled so can't comment	9/5/2018 5:08 PM
15	It depends on their disability and their family background. If their family can support them the Tax Payer should not be subsidising them, especially as they are likely to use more of the facilities provided by the council.	9/5/2018 12:31 AM
16	Same as per above.	9/4/2018 12:05 PM
17	Disabled people already get premiums and income disregarded when calculating means tested benefits. They should be treated the same as everyone else.	8/29/2018 8:08 PM
18	They shouldn't have to pay anything at all but also should definitely not have to pay more than they are already	8/29/2018 3:32 PM
19	its fair to them	8/29/2018 11:43 AM
20	Not fair.	8/28/2018 6:25 PM
21	20% is too high. Increase the amount you charge those in affluent areas such as Emerson Park, Hidea Park & Upminster. STOP targeting those of us with mectvto nothing.	8/28/2018 4:50 PM
22	Realistically, it is difficult to impossible for disabled people to obtain employment even when they see it. Therefore, as their unemployment is usually involuntary, they should not be asked to pay more.	8/28/2018 3:56 PM
23	They currently pay 15% Your options on this survey are biased as they do not allow a "keep at current levels" option.	8/28/2018 12:46 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

24	IT SHOULD NOT RISE TO 20% FOR DISABLED CLAIMANTS. This question should be asking if its right to rise from 15% to 20%. Those who are disabled are feeling the high impact of rising austerity due to Government continuously trying to cut and subsidise PIP or ESA. It is extremely hard for those with non visible disabilities to be in receipt of PIP or ESA, those of which are then forced to find work and struggle to keep work. This means many of them are living in poverty and result to using foodbanks to survive. The Council may think an extra £1 odd per week isn't much, but add that up throughout the month and that is a pint of milk, loaf of bread, some butter and some jam. It also could be £5-6 on their electric or gas key. The Council never look this far into matters, therefore wouldn't think what an extra £5-6 a month could do to disabled people.	8/28/2018 11:56 AM
25	Again an increase for the most needy seems inappropriate.	8/27/2018 6:26 PM
26	We are all struggling, everyone should pay the same regardless.	8/24/2018 9:03 AM
27	It is possible that they can afford this from their disability income.	8/23/2018 11:18 AM
28	benefits recipients should not be subject to direct taxation	8/22/2018 8:04 PM
29	Full time Carer on income support. I can't afford anymore!	8/21/2018 1:07 PM
30	Some people who are very sick and especially on long-term sickness but are not labelled 'disabled' should also be protected. Both categories should NOT have to pay even a minimum of 20% - the minimum should remain at 15% and no more. I can't afford the internet so I have to come into the library to use it, as I am now in order to complete this survey, but there are plenty of people living in council homes who are working full or part-time who do have internet access at home, these people can obviously afford to pay extra, not people who are sick and are already on the breadline.	8/17/2018 2:17 PM
31	If you're poor and struggling, you're poor and struggling, regardless of disability.	8/16/2018 4:34 PM
32	Disabled persons who are able to work, i feel, should pay for the Council Tax like everyone else of working age. Disabled persons who have Carers Allowance and DLA are clearly unable to work regardless of the system in place for benefits stating they are able to do so. They wouldn't be awarded carers or DLA if they could work. The extra money pays for carers and for the aids required for the disabilities. Therefore i strongly feel the 20% should be protected and NOT changed to 25%.	8/14/2018 10:58 AM
33	Sick and disabled people don't have increases in expenditures.	8/13/2018 3:16 PM
34	Disability does not mean poverty	8/13/2018 1:59 PM
35	we need to make sure people get support and help so they can enjoy life as much as they can	8/13/2018 12:24 PM
36	If their only income is benefits then they are given the minimum allowed to be able to live on. To take more money will leave them even further in poverty	8/11/2018 11:53 AM
37	The benefit system will not increase income to cover this raise so therefore disabled people will be having to use pip/dla money to cover the raised percentage and pip /dla is ment for additional cost to claimants do to disability	8/11/2018 11:45 AM
38	This is the most vulnerable set of people. As their benefits do not increase by the amount proposed each year they are being put under more pressure to find the extra amount. This mean they have to give up some of the funds they use for their care or services needed to help them with their daily life. I feel the current amount for these people should remain the same.	8/11/2018 11:25 AM
39	With reference to the answer in question 2, it is disgusting to expect any person on benefits to pay such a proportion of the total council tax bill. It is tantamount to an insult to poor and disabled people that disabled people will have to pay a lower rate, when the fact that any rate having to be paid by all citizens is regressive tax policy. Please refer to my points in answer 2 above.	8/11/2018 9:38 AM
40	many disabled will never be in a position to work should be treated the same as pensioners, social discrimination of the disabled	8/10/2018 12:28 PM
41	Absolutely. We need to support the disabled to ensure that they have a decent quality of life.	8/9/2018 4:36 PM
42	costs of living are going up so people with disabilities who are less able to work could find it difficult to make payments towards council tax	8/9/2018 4:33 PM
43	na	8/9/2018 4:23 PM
44	Again extra pressure on finances, Dear oh dear life is hard enough already.	8/8/2018 5:32 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

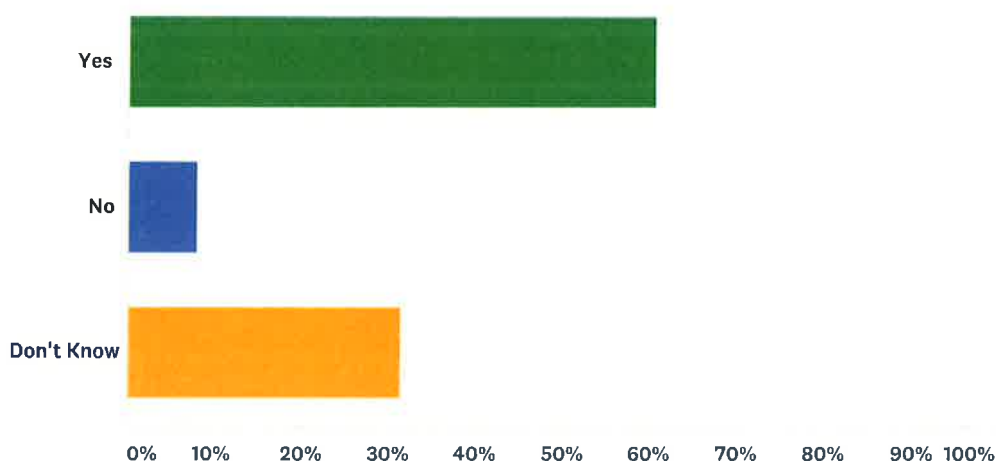
45	I am in receipt of Employment support allowance with a severe disability premium (support group) and my ESA has gone up by £4 in 10 years!!! So please do not raise the amount to more than 20% as people like myself just cannot afford to pay 25%! 20% is going to be a struggle even!	8/8/2018 3:50 PM
46	You will find like most people with disabilities and low income are struggling with what finance they have now let alone increasing their council tax to 20%, if they have nothing left now how are they going to get the money to pay the increase.	8/8/2018 2:55 PM
47	As a claimant with a disability and unable to work I have no way of increasing the amount of money coming in to pay for increases. My DLA was cut drastically 2 years ago when PIP was introduced and I am now facing my ESA being either reduced or taken away when Universal Credit changes my benefit from ESA. I have had to make a lot of changes to my outgoings because of these changes through the unfair system this government has imposed. Yet again the disabled people are the ones to incur these price increases.	8/8/2018 10:12 AM
48	Why should people who are at the low end of income be given the extra worry	8/7/2018 7:57 PM
49	They already pay enough. A lot of people who are sick on benefits can't afford to pay more. It,s hard already. Why not ask for more off the high earners in the borough!	8/7/2018 7:03 PM
50	You take enough	8/7/2018 5:29 PM
51	I think if the person is disabled & unable to work or is not being taken on by any company because of this,then this person should pay a small amount depending on income	8/7/2018 4:54 PM
52	They should receive 100% towards the bill and pay zero.	8/7/2018 3:42 PM
53	No	8/7/2018 2:49 PM
54	The disabled are less able to increase their household incomes, than those who are able bodied. Other household expenses are increasing all the time e.g cost of utilities, food, fuel for cars, but the amount of benefit received has not increased in line with this. A disabled person living on benefits only receives enough to get by, they are already just "existing" on the money they get to live on, without having to pay out any extra money every week, or month. The increase may only be the price of a cup of tea, in the cheapest cafe in town, but that may be the only luxury a disabled person on benefits may be able to treat themselves to.	8/7/2018 2:27 PM
55	Disabled people should not be charged any council tax. The vote before was for non disabled people who were on benefits to pay an amount towards the council tax, and then when people had voted (very few actually voted) the council applied the results of the (fixed?) vote also to disabled people. The council scammed us and want to scam us again. It seems there is no humanity left in havering council. It is disgusting.	8/7/2018 2:20 PM
56	Because for lots of disabled people like myself we don't actually seem to get much anyway from what we pay to council tax. Council rents for shop space Means that elderly and disabled can't even get to a bank or decent post office. All the small convenience stores are now foreign food restaurants takeaway shops or hairdressers and beauty parlours. We don't have a proper dial a ride service, we're charged too much to get rid of garden rubbish and bulk rubbish. We've even lost the confessions for green bins. For two years I paid full amount yet only actually filled the bin enough two or three times per year but we still need a way to get rid of our green waste from time to time. I'd like to know what exactly do the elderly and housebound havering residents actually get for their contribution to council tax as it is.	8/7/2018 1:43 PM
57	Council SHOULD NOT be taking money from ANYONE on basic government assistance benefits .PENSIONERS are protected so why are DISABLED PEOPLE being discriminated against? This is outrageous - the council has a responsibility to protect the vulnerable, it is however abusing trust and taking money that government has assessed as needed to enable the claimant to survive. PENSIONERS ARE PROTECTED - WHY ARE THE DISABLED NOT? This is abuse of the needy and mus be taken up with the press. It is abuse of the vulnerable.	8/7/2018 1:09 PM
58	I feel disabled people are also struggling & it would be a great worry for them to be able to pay an increase in council tax	8/7/2018 12:49 PM
59	It shouldn't be raised at all.	8/7/2018 12:27 PM
60	Why should a disabled individual be protected exactly? You don't have to be disabled to find it difficult to increase your household income. Disabled or not, increasing your income is difficult in the current climate - why should a non disabled person have less of a reduction? Again, you have just not provided a rational for this proposal, it's like you have just selected a sub group and gone with it.	8/5/2018 5:55 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

61	If they can't be expected to Increase their Incomes, how Is It possible for them to pay more.	8/5/2018 8:08 AM
62	No! Most disability claimants are financially well off with pip, ESA, dla...it's discrimination!	8/4/2018 10:27 PM
63	Same reason as number 2 answer.	8/4/2018 1:58 PM
64	There should be no increase whatsoever - again where are we meant to find this money?	8/4/2018 12:06 PM
65	Why are the people who are least able to work and least able to fend for there self expected to face a 5% increse which will cause grate hardship to them in turn raise so little money for the council	8/4/2018 11:44 AM
66	If a person is unable to work due to being disabled you should help them	8/4/2018 10:53 AM
67	I said No to this because some disabled claimants are already struggling to pay essential bills due to benefit cuts	8/4/2018 10:35 AM
68	why should they pay extra for beign disabled, when their money is being squeezed to the hilt anyway and have usually have zero money to spare, so could put them all in financial hardship	8/4/2018 9:47 AM
69	Just because they are disabled doesn't mean they should be treated differently. If they can afford to pay 25% like everyone else they should do so.	8/1/2018 12:16 PM
70	agree	8/1/2018 10:27 AM

Q5 Are there any other realistic options available to manage the budget gap on the Council Tax Support Scheme that you think would produce a reasonable outcome, having regard to the needs of residents and the Council's budget position?

Answered: 137 Skipped: 3



ANSWER CHOICES

Yes
No
Don't Know
TOTAL

RESPONSES

60.58%	83
8.03%	11
31.39%	43
	137



Q6 Comments on question 5

Answered: 91 Skipped: 49

#	RESPONSES	DATE
1	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born	9/30/2018 10:13 AM
2	It is better to ask the comfortably off (like me) to pay more on their council tax, like many other suppliers are doing at the moment. Longer term, the whole council tax/ business rates system is overdue for major reform. Meanwhile, a short term fix would be to add further tax bands at the top.	9/30/2018 10:07 AM
3	Those who are vulnerable should not face increased cost burden.	9/29/2018 11:25 AM
4	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born.	9/29/2018 10:18 AM
5	Not in a position to comment, as I don't know where the budget is being spent currently. I do know there has been money wasted in the past on projects that have failed.	9/28/2018 1:43 PM
6	Croydon decided to outsource its libraries to Laing (November 2012), giving them their second library authority. The tests that Croydon consider important for the tendering process in their council paper on the subject are important enough to quote in full: • Seeking to achieve good value for money	9/28/2018 12:15 PM
7	no further comment other than everyone should be financially assessed, as one cap does not fit all	9/27/2018 4:02 PM
8	Ealing and Harrow Councils. The Council believe that the new contracts will help them meet their annual savings targets of £250,000 per annum for leisure and £233,000 for libraries	9/27/2018 3:55 PM
9	Wandsworth decided not to go with a private company but rather to outsource its libraries to a non-profit trust, GLL (November 2012). A highly pro-privatisation piece has been written by Wandsworth's deputy leader for the Guardian. In this, he appears to suggest that all London's libraries should be privatised. He also makes clear that the successful bidder will run both council's library services in tandem	9/25/2018 3:04 PM
10	Wandsworth decided not to go with a private company but rather to outsource its libraries to a non-profit trust, GLL (November 2012). A highly pro-privatisation piece has been written by Wandsworth's deputy leader for the Guardian. In this, he appears to suggest that all London's libraries should be privatised. He also makes clear that the successful bidder will run both council's library services in tandem.	9/24/2018 1:03 PM
11	Hounslow. Laing gained the Hounslow contract due to the collapse of another earlier outsourcing (to a Trust) attempt. In the two years since taking over the system, the Council states that Laing has made £1.25m of efficiencies in Hounslow, with overall library attendance improving by 7%.	9/22/2018 3:11 PM
12	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born	9/20/2018 12:48 PM
13	change domestic waste collections to contracted companies. GLL operate library services on behalf of local councils	9/19/2018 3:51 PM
14	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born	9/18/2018 2:53 PM
15	[REDACTED]	9/18/2018 1:06 PM
16	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born.	9/17/2018 1:07 PM
17	Don't know.	9/16/2018 11:46 PM

18	[REDACTED]	9/16/2018 3:02 PM
19	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born	9/16/2018 10:27 AM
20	In 1993, Greenwich Council needed to find a new way to run its leisure centres because of public spending cuts and together, we came up with a new model. The first of its kind in UK leisure. GLL was born.	9/14/2018 9:54 AM
21	I don't know	9/12/2018 10:06 PM
22	Greenwich Leisure Limited, Better run libraries on behalf of local authorities	9/12/2018 3:32 PM
23	It is becoming increasingly common for people to build within their garden and use this additional accommodation to house people. Where these buildings have running water and separate toilet / bathroom facilities to the main house, these buildings should attract council tax costs.	9/10/2018 2:31 PM
24	[REDACTED]	9/9/2018 7:34 PM
25	Outsourcing library services like Greenwich Leisure Limited	9/6/2018 4:24 PM
26	Could look at changing the other council tax discounts, change the single persons discount from 25% to a lower figure.	9/6/2018 11:12 AM
27	[REDACTED]	9/5/2018 5:08 PM
28	People who own empty properties should not be penalised if there is a good reason for the property being empty, where the property is empty due to the death of the owner and especially where the property is a Retirement property, it is immoral. There are a number of genuine reasons such a property could be empty and as there is nobody living in the property that property is not a drain on Council resources. This policy is surely unethical as well as immoral.	9/5/2018 12:31 AM
29	Like Greenwich Leisure Limited outsource libraries	9/4/2018 2:59 PM
30	utilise the space in Romford library, offer international companies opportunities to advertised them moving to Romford. Outreach library services.	9/3/2018 1:39 PM
31	utilise the space in romford library	9/1/2018 11:16 AM
32	Reduce councillors' expenses, raise income by fining fly tippers, litterers and dog mess offenders. The powers already exist and should be applied rigorously even if it's just people putting their bin bags out the night before. Cut expenses and free taxis for people attending meetings. Cut free parking, just charge £1 for the first two hours. People would moan but it's still just a small charge and would raise a lot of money.	8/29/2018 8:08 PM
33	[REDACTED] most other people are struggling and even living on the streets	8/29/2018 3:32 PM
34	none	8/29/2018 11:43 AM
35	Parking permits across the borough	8/28/2018 6:25 PM
36	Charge more for the top rate bands. The wealthy should pay more than the poor, it's a lower percentage of their income anyway plus the wealthier area of the borough get better services... the streets in Upminster fir example aren't crumbling like those in Harold Hill.	8/28/2018 4:50 PM
37	increase Council Tax by maximum allowed without government punitive action.	8/28/2018 3:56 PM
38	Councillor's monthly wage should be reduced, those who sit on committee's shouldn't get paid the amount they do. And the number of committee's should be cut down. Instead of Councillor's talking amongst themselves and deciding what's best for the borough - talk to it's residents. Also large businesses should be paying more business rates. But large businesses that bring in a certain amount of profit. Small businesses or businesses that bring in low-medium profit shouldn't be effected by a rise in business rates.	8/28/2018 11:56 AM
39	Making savings by targeting people who need assistance may put them in financial hardship.	8/27/2018 6:26 PM
40	use some of our money that's in the bank	8/26/2018 9:36 PM
41	utilising the rooms in Romford central library, and outsourcing library services.	8/26/2018 10:46 AM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

42	Made comments 4 years ago never made any difference Outsource library services	8/25/2018 3:01 PM
43	Maybe cut 2% of each service. But only within the framework of legislation.	8/23/2018 11:18 AM
44	in accordance with austerity, all non-essentials must be first to be cut (and probably cut completely...) the people of Havering do not need county fairs, plays in the park, music in the town centre, second rate music festivals, sports centres, social programs, or anything else of this ilk... people have enough money to spend, and opportunity to spend it, on recreation and development in the private sector...	8/22/2018 8:04 PM
45	Housing for people who weren't born here shouldn't be given!	8/21/2018 1:07 PM
46	outsource library services	8/20/2018 2:37 PM
47	outsource services	8/17/2018 3:16 PM
48		8/17/2018 2:17 PM
49	Charge more for homes with multiple occupancies.	8/16/2018 4:34 PM
50	Replace long term repairs with new items. This will save on parts and labor required on constant revisits for old appliances like boilers and windows etc.	8/14/2018 10:58 AM
51	Stop the government implementing austerity	8/13/2018 3:16 PM
52	A complete overhaul of assisted accommodation homes i.e. those in which supervised youths live in expensive homes in expensive streets. There is such a scheme at  , where only 1 or 2 youths are costing the Council vast amount of money on rent and care. Why are they not accommodated in cheaper, more affordable housing? Or better still, have several youths all under one roof, such as in a large complex, as this means fewer staff and accommodated in areas with cheaper rents!	8/13/2018 1:59 PM
53	issuing universal parking permits to local businesses so they can park car/vans without paying all the time just pay once a year or every three months per car/van this offer should bring more money	8/13/2018 12:24 PM
54	outsourcing services	8/11/2018 2:44 PM
55	Go into the reserves and let it set an example, its very important.	8/11/2018 12:57 PM
56	Reduce councillors wages. Allow councillors only 1 income not several depending on how many things they are in charge of. Stop applying bulk rubbish clean up charges to council tenants rent and apply to all council tax payments	8/11/2018 11:53 AM
57	Firstly need to ensure they have recouped all unpaid council tax from previous years and ensure the council do not incur court cost for non payment of council tax if a claimants is of working age and not worked for 5 years then impose the raise in percentage on these claimants however some claimants have Foubd themselves in the situation through no fault of their own and should not be made to struggle when they have only just found themselves reliant on benefits disabled claimants should not incur a additional loss of benefit as the additional cost in being disabled is greater due to care needs to these claimants and being made to incur a greater amount of Benefit reduction is totally unfair as no one would want to be disabled through choice	8/11/2018 11:45 AM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

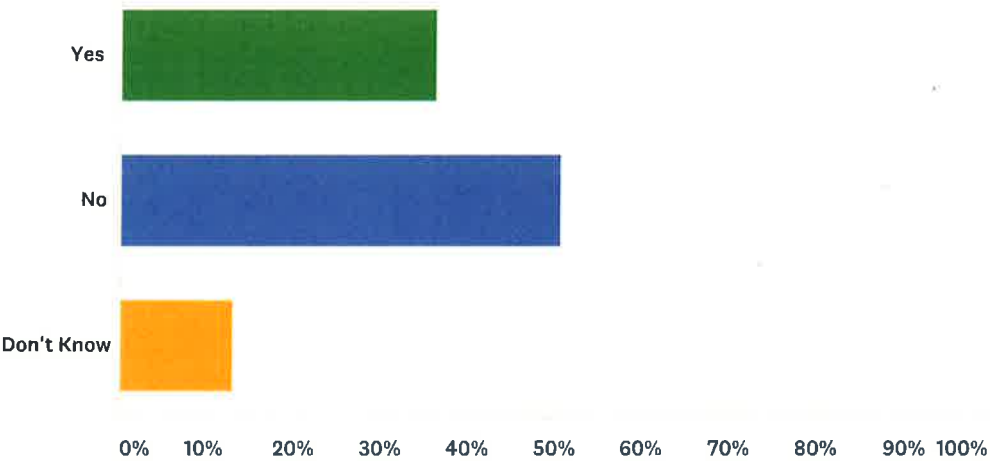
58	Increase the higher band properties payments scales. The majority of people who can afford to live in the larger size properties have much larger incomes than the people who you are proposing to hit with these increases. The vulnerable and those who have to rely on benefits are always the worse off and little to spare. Not all are in their post because of something they have done. Leave the under dogs alone.	8/11/2018 11:25 AM
59	A reasonable alternative is to STOP MAKING FURTHER INCREASES IN CTS REDUCTUON, so as to prevent more pressure on demands for other government services arising from the damage caused by the CTS cuts. In other words the proposal is circular in its effect, and is really an attack on the poor and disabled. Why is the poor being attacked again and again? It is disgusting, and does not not promote well being and a sense of egalitarianism within communities.	8/11/2018 9:38 AM
60	reduce the 25% taken from council tax for the golden pension schemes for the [REDACTED] also reduce what Councillors get paid	8/10/2018 12:28 PM
61	I'm not qualified enough to know such a solution unfortunately.	8/9/2018 4:36 PM
62	not sure what other options there could be	8/9/2018 4:33 PM
63	People on benefits to pay a higher rate than the 25% they currently pay.	8/9/2018 4:23 PM
64	[REDACTED]	8/8/2018 5:32 PM
65	[REDACTED]	8/8/2018 3:50 PM
66	[REDACTED]	8/8/2018 2:55 PM
67	Outsource library services	8/8/2018 12:46 PM
68	That i believe is up to the Council to find ways to manage the budget gap.	8/8/2018 10:12 AM
69	If someone is in the high earners in Havering and has a house worth over a certain amount, they should pay extra. They can afford it! (Of course that might effect the Councillors or MPs, Thats why Havering will take it from the poor).Thats wrong!!!!	8/7/2018 7:03 PM
70	Increase the penesonrs council tax as you putting up to 17 cameras in shelted housing schemes to benefit them and no one else oh and maybe stop buting the mayor nice cars	8/7/2018 5:29 PM
71	Just do not have any replies to this question.	8/7/2018 4:54 PM
72	That is for the council to come up with, however you could use the cash reserves available and not ask the vulnerable for even more money.	8/7/2018 3:42 PM
73	Rather than increasing the minimum percentage that working age claimants pay you should be asking claimants of pensionable age to make some contribution towards their council tax.	8/7/2018 3:27 PM
74	Outsource library services like Greenwich Leisure Limited	8/7/2018 2:49 PM
75	I do not agree that pensioners should be protected from this increase. Many receive more in benefits than the disabled and the unemployed. Erect more cameras around town and fine more people for road traffic violations, littering, using mobiles whilst driving.	8/7/2018 2:27 PM
76	Stop wasting council tax payers money, and [REDACTED] (shareholders means the council is now a money making organisation/corporation/scam).	8/7/2018 2:20 PM
77	[REDACTED] and [REDACTED] Increase the inspections of 'overcrowded' houses: [REDACTED] has so many adults residing their (at least 10 to 12 per household) however... The tenants are benefit claimants...the council fails council tax payers when they ignore illegal overcrowding and then expect the sick and disabled to pick up the bills - as you are proposing; outrageous!	8/7/2018 1:09 PM
78	Make more of a determined effort to collect unpaid council tax & council rent for those in arrears	8/7/2018 12:49 PM
79	Raise revenue by other means such as penalties for parking near schools and diesel polluting vehicles on the road. Financial penalties for parents of children who are violent in school or bring weapons into school. All these measures would make our schools safer so can be introduced for child protection reasons and will increase revenue	8/7/2018 12:33 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

80	1.How about increasing the council tax for those who do not claim council tax support - you know - target the less vulnerable, more financially sound people? 2. Significantly increase parking fines for all those parents that pull up outside schools to drop off their darlings in their 4x4 tanks. 3. How about creating short term/long term voluntary positions within Havering Council.	8/5/2018 5:55 PM
81	You should [REDACTED] within the council and use that money to pay the funding gap.	8/5/2018 8:08 AM
82	Find the deficit from elsewhere! Please leave us that are already on the bread line alone. Every penny Counts!	8/4/2018 10:27 PM
83	Stop wasting money on consultants, take a lower wage like the rest of us for the managers, you know reduce in house then reduce elsewhere.	8/4/2018 1:58 PM
84	Having worked for the Council some years ago I know there are inefficiencies - look hard at yourselves	8/4/2018 12:06 PM
85	Yes, raise council tax by 1% For those who can afford to pay	8/4/2018 11:44 AM
86	Stop wasting money on non essential projects and [REDACTED] increase council tax to those who can afford to pay more and not the ones who can't	8/4/2018 11:44 AM
87	Pay the higher up officials less salary	8/4/2018 10:53 AM
88	Apply for Grants from City Hall (Mayor of London) or use money from Business rates perhaps?	8/4/2018 10:35 AM
89	yes, stop council wasting money on lawyers and other daft ideas that dont get implimented. before you start tryign to take money from people who need it the most.	8/4/2018 9:47 AM
90	Be more realistic in to whom you give support. I am aware of some elderly people who get the support but can still afford to run a car or go on foreign holidays. Do they really need it?	8/1/2018 12:16 PM
91	don't know	8/1/2018 10:27 AM

Q7 Should people who own property which has been empty for more than two years, be charged 200% Council Tax?

Answered: 138 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	36.23%	50
No	50.72%	70
Don't Know	13.04%	18
TOTAL		138

Q8 Comments on question 7

Answered: 61 Skipped: 79

#	RESPONSES	DATE
1	What evidence is there to show that a 200% council tax charge will bring in more revenue? For this measure to provide more income, the house owner would have to leave the property empty - what is the projected number of houses that will be left in this state, and hence how much money will be raised. In the other instance, if the owner is encouraged to make the property inhabited, what will be done differently to the current situation in order to affect the habitation? Why aren't these properties currently inhabited? Are they perhaps not fit for habitation, in undesirable locations, ill-served by community services, etc?	9/29/2018 11:25 AM
2	Again it depends on the circumstances, Second homes and/or homes bought as investments then probably yes, but there could be other reasons why a home has been empty for an extended period.	9/28/2018 1:43 PM
3	This is a pure property tax. If the property is empty no-one is using the services that council tax pays for. Also the people concerned are paying council tax where they have to reside so effectively, the Council are taxing this person 300% Scandalous.	9/27/2018 4:02 PM
4	It depends upon reason for remaining empty. In the case of deceased person(s), clearing the property and probate may delay sale.	9/26/2018 6:31 PM
5	Because the property as been empty for more than 2 years	9/25/2018 2:59 PM
6	It's unfair on the commercial business properties to charge 200% as they are already struggling with the business rates.	9/16/2018 11:46 PM
7	I don't think this is far	9/12/2018 10:06 PM
8	200% seems excessive.	9/10/2018 2:31 PM
9	No property should be empty for 2 years	9/9/2018 7:34 PM
10	I believe they should be charged and why should a property be empty that long when we have a housing shortage.	9/6/2018 11:12 AM
11	That's right	9/5/2018 5:08 PM
12	People who own empty properties should not be penalised if there is a good reason for the property being empty, where the property is empty due to the death of the owner and especially where the property is a Retirement property, it is immoral. There are a number of genuine reasons such a property could be empty and as there is nobody living in the property that property is not a drain on Council resources. This policy is surely unethical as well as immoral. So long as there is a genuine reason for the property being empty for so long there should not be a penalty, especially as empty properties do not use any of the local amenities, it's a shameful disgrace!	9/5/2018 12:31 AM
13	Charges should be applied to people who just leave property empty and don't care. Leeway has to be given to people whose family have died and are struggling to sell or dispose of a house or when there is a legal dispute preventing sale.	8/29/2018 8:08 PM
14	If they own the property it's their business what they do with it and shouldn't be penalised for it	8/29/2018 3:32 PM
15	wastage of space	8/29/2018 11:43 AM
16	If you can afford to leave a property empty for 2 years, you're hardly poor. Make the wealthier pay more than those already struggling. Everything is going up EXCEPT out benefits.	8/28/2018 4:50 PM
17	Given the housing pressures in Havering, we need to strongly encourage active use of all residential properties	8/28/2018 3:56 PM
18	This should be a priority above further penalising the most vulnerable in our community who are unable to work	8/28/2018 12:46 PM
19	Housing is needed. There shouldn't be any empty properties. If the Council are responsible in renovating properties then get it done. Homelessness is at an all time high and needs to be addressed not swept under the carpet.	8/28/2018 11:56 AM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

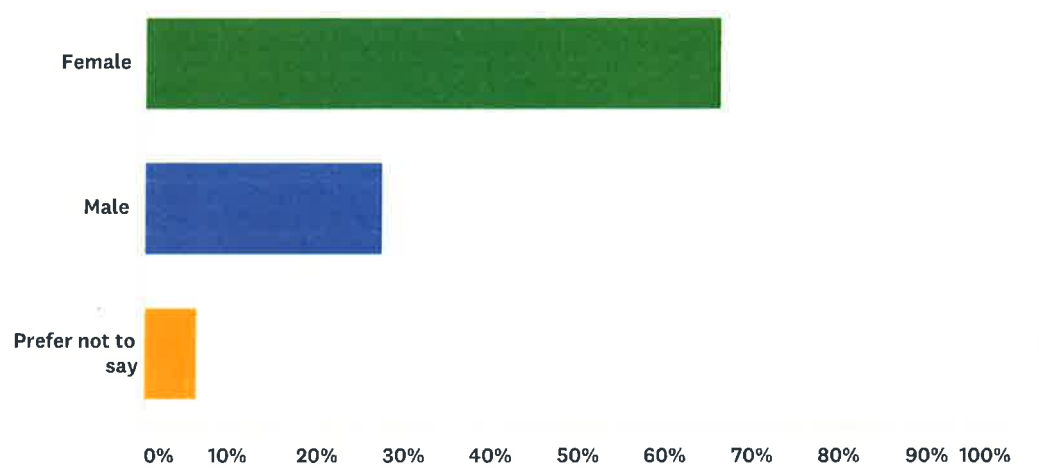
20	I agree provided correspondence stating the action to be taken.	8/27/2018 6:26 PM
21	There's plenty of people that need a home and they have houses just sitting there not being used? Tax the hell out of them. What is this world coming to? Why is that even a question. The council feels perfectly fine increasing the council tax for us poor people but god forbid we tax people who own houses and are not being used.	8/24/2018 9:03 AM
22	But does that mean that the person who does move in i.e a person whom the council has discharged their duty of homelessness through the private rented sector will then have to pay the 200% Council tax? Maybe only charge this when the property is vacant. But how will you monitor this? Because a home owner could say that they're living in it or a friend or family member is living there instead of them. So the council will need to verify.	8/23/2018 11:18 AM
23	That's just wrong!	8/21/2018 1:07 PM
24	No property should remain idle when there are so many people in need of homes. People who allow properties to remain empty instead of renting them out should have to pay a much higher council tax rate on that property.	8/17/2018 2:17 PM
25	If they can afford to leave a property empty that long, they can afford the extra.	8/16/2018 4:34 PM
26	If the property is empty and therefore not using any services then people should not be charged more council tax than an occupied property. It is fundamentally wrong.	8/15/2018 2:40 PM
27	This is unfair in my opinion. The property should be made to become habital so it can be rented out or lived in privately. Charging double would be ridiculous as it would take the money away from the cash they need for repairs to make it habitable.	8/14/2018 10:58 AM
28	this is unfair you need to make sure welcome new people not asking them money on first day	8/13/2018 12:24 PM
29	Many properties are empty due to legal issues such as lengthy probate, planning issues and for leaseholders disputes with Freeholders. The length a property is vacant is often beyond the owners control and they are unable to occupy the premises. They are already significantly penalised with the 50% levy and to increase this further will be unfair. This will not incentivise them to occupy the property, it will be another unfair and unjust tax, at a time when they are often still dealing with bereavement and the issues of the estate. These properties are often in poor condition and refurbishment is very expensive and lengthy and additional costs may actually lengthen the time for occupancy due to finding the additional cost. Very short sighted and unfair. Consider a 100% levy after 4 years not 2 as this is too short. Reject this proposal.	8/12/2018 5:35 PM
30	Why is empty when it can be rented out to the council	8/11/2018 12:57 PM
31	This would be grossly unfair as why would they be paying this amount if the property is empty and therefore not using any council resources so how can you justify this	8/11/2018 11:45 AM
32	If someone can own a property and leave it empty regardless the amount of time period, they can afford to pay council tax on it. All properties should be made to pay some council tax whether empty or not. There is a huge housing shortage within the borough as it is. Why should properties remain empty for a year or more.	8/11/2018 11:25 AM
33	There's no hard and fast answer to this question because it depends on the property owners income overall, and the reasons why the property is empty needs to be considered too. To just pluck an arbitrary set of criteria to trigger 200% liability is again just an easy excuse to attack citizens within Havering. Home owners and property owners liability needs to be assessed on a case by case basis, taking into account all their circumstances leading to a property being empty for so long.	8/11/2018 9:38 AM
34	We have a terrible housing shortage. homes are made to live in not to simply look at	8/10/2018 12:28 PM
35	It encourages more rental (and hopefully affordable renting) of properties.	8/9/2018 4:36 PM
36	to encourage them to do something with the empty property when there are there are homeless people in need of housing	8/9/2018 4:33 PM
37	not fair to penalise the people that are unable to sell it for certain reasons.	8/9/2018 4:23 PM
38	As they have not been helping alleviate the struggle in lack of family homes	8/8/2018 5:32 PM
39	with the increase of homeless people on a waiting list and not enough social housing being built I believe this may help more properties to become available.	8/8/2018 2:55 PM
40	Would depend on why the property is empty if it's due to probate then no	8/7/2018 7:57 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

41	Depends on the reasons it's empty.	8/7/2018 7:03 PM
42	If uts empty for 2 years pay extra council tax or sell to the council for a reduced rate	8/7/2018 5:29 PM
43	they should be charged something but i do not think it should be so high.	8/7/2018 4:54 PM
44	Why charge them, they arent using any services.	8/7/2018 3:42 PM
45	200% is a lot	8/7/2018 2:49 PM
46	This is insanity. Why are the council scamming people? Stop the extortion. [REDACTED] [REDACTED]	8/7/2018 2:20 PM
47	150 percent is plenty high enough as council tax in this area is pretty high as it is.	8/7/2018 1:43 PM
48	Every property within the borough should be served with a council tax bill - if the owners choose to leave the property empty it is their prerogative but they must pay the bill in full with the backdated amount - exactly how car tax works.	8/7/2018 1:09 PM
49	Isn't that just theft if they're paying their way anyway?	8/7/2018 12:27 PM
50	Empty properties should pay less than 100% rather than 200% as they don't use many of the expensive person-based council services, which is reason for single-person reduction. Bringing properties back is just a fig-leaf for charging more.	8/6/2018 11:58 AM
51	There is a critical housing shortage - do I really need to say any more?	8/5/2018 5:55 PM
52	Tthis seems fair as an unoccupied property can provide a useful rental revenue stream If let out, and It is not unreasonable to assume If people have unoccupied properties they can afford to pay more for that privilege	8/5/2018 8:08 AM
53	No. Discrimination again! It's their property so they can do what they want with it.	8/4/2018 10:27 PM
54	There is a housing shortage and more people are finding themselves homeless, these properties could be a family home for a working family.	8/4/2018 1:58 PM
55	Unless excellent reason for being empty given - & I can't think of any	8/4/2018 12:06 PM
56	If they can afford to own several properties	8/4/2018 11:44 AM
57	Why would you even suggest such a thing? They are already paying council tax.	8/4/2018 10:53 AM
58	If people own an empty home and not using it as a home,They should be made to pay the full amount	8/4/2018 10:35 AM
59	if they own it, ask them why its not being let out or sold withiin a year of being made empty rather than charging them extra. if they own it outright they should be able to do what ever they like with it and not be hounded for extra money because its empty.	8/4/2018 9:47 AM
60	I think the penal council tax should kick in sooner than 2 years. A year is enough time to gain probate to sell an inherited property and enough time to renovate a property bought for development.	8/1/2018 12:16 PM
61	fair	8/1/2018 10:27 AM

Q9 What is your gender?

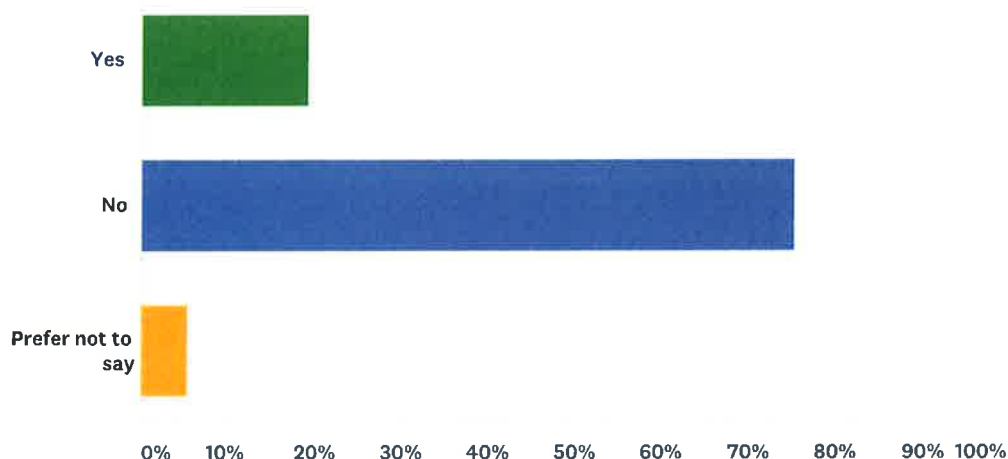
Answered: 131 Skipped: 9



ANSWER CHOICES	RESPONSES	
Female	66.41%	87
Male	27.48%	36
Prefer not to say	6.11%	8
TOTAL		131

Q10 Childcare responsibilitiesDo you have unpaid responsibility for a child as a parent or guardian

Answered: 130 Skipped: 10



ANSWER CHOICES

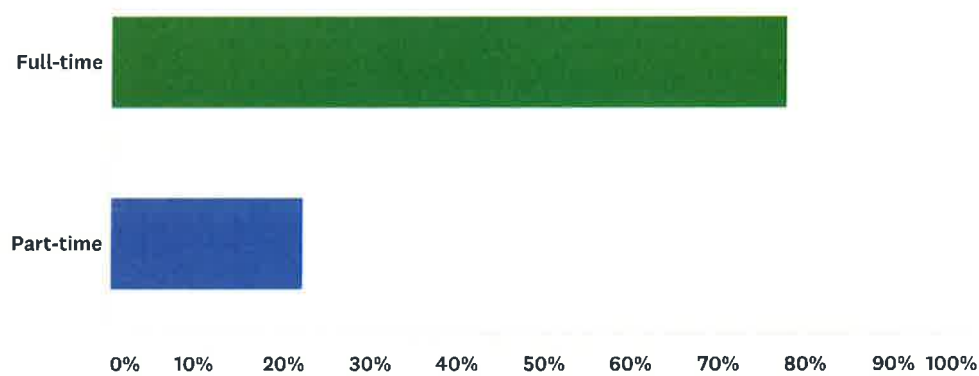
Yes
No
Prefer not to say
TOTAL

RESPONSES

19.23%	25
75.38%	98
5.38%	7
	130

Q11 If yes, is the care

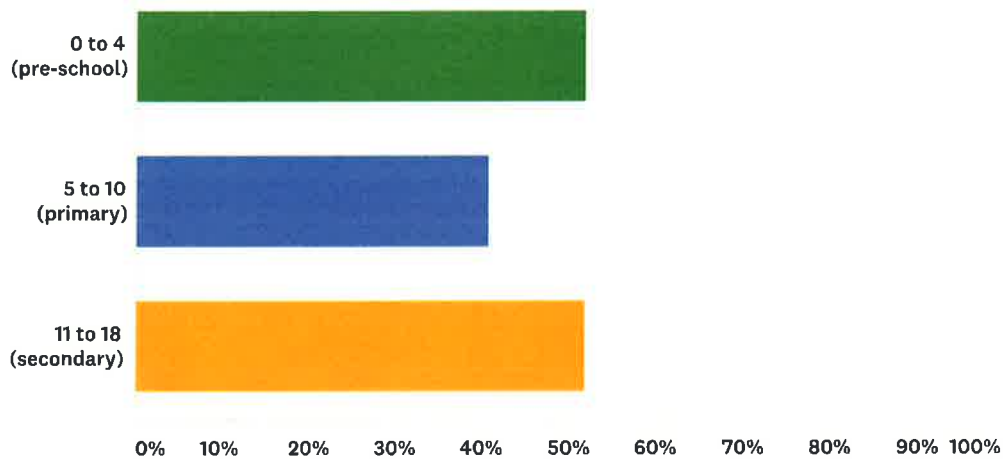
Answered: 27 Skipped: 113



ANSWER CHOICES	RESPONSES	
Full-time	77.78%	21
Part-time	22.22%	6
TOTAL		27

Q12 How old is the child / are the children? Please tick all that apply

Answered: 27 Skipped: 113



ANSWER CHOICES

0 to 4 (pre-school)

5 to 10 (primary)

11 to 18 (secondary)

Total Respondents: 27

RESPONSES

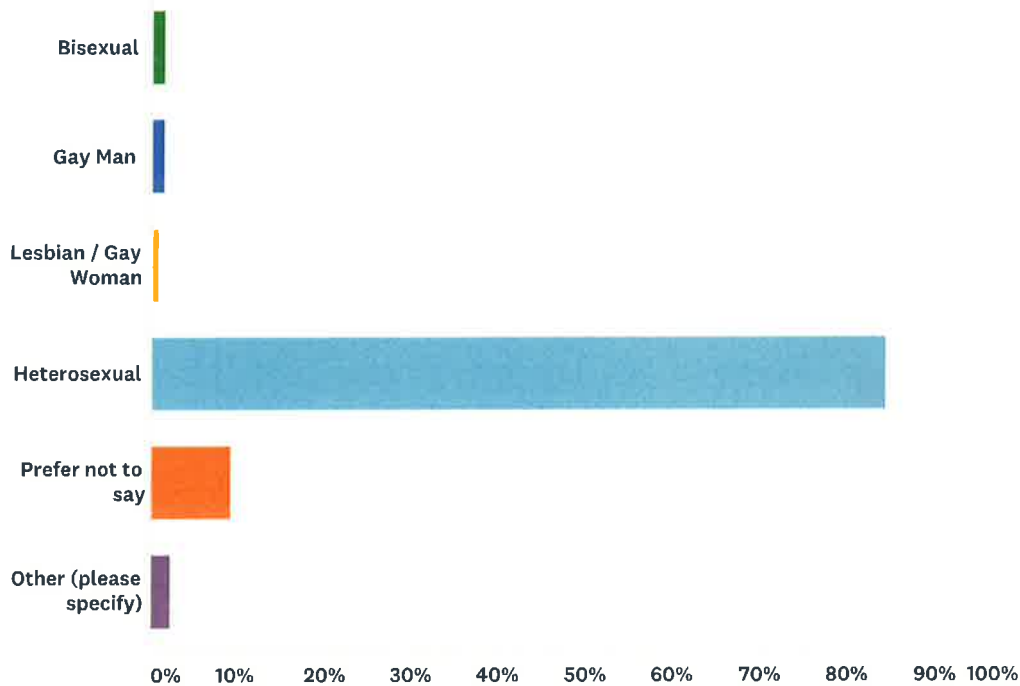
51.85% 14

40.74% 11

51.85% 14

Q13 Sexual Orientation

Answered: 129 Skipped: 11

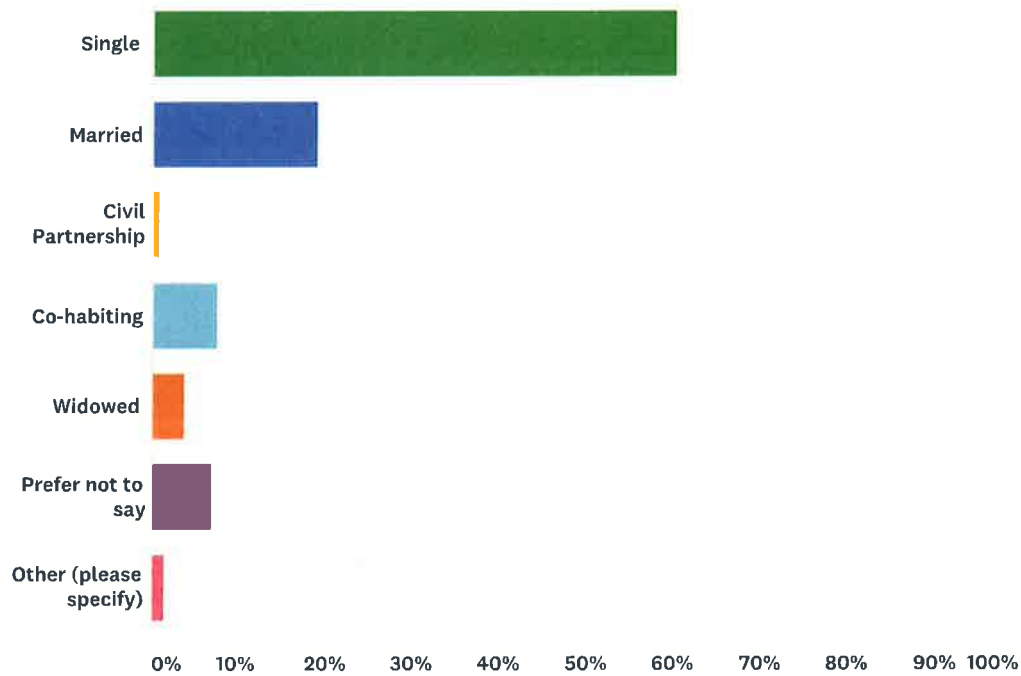


ANSWER CHOICES		RESPONSES	
Bisexual		1.55%	2
Gay Man		1.55%	2
Lesbian / Gay Woman		0.78%	1
Heterosexual		84.50%	109
Prefer not to say		9.30%	12
Other (please specify)		2.33%	3
TOTAL			129

#	OTHER (PLEASE SPECIFY)	DATE
1	I do not believe this is relevant to my point of view	9/28/2018 1:47 PM
2	Don't see the relavence for this survey.	8/11/2018 11:26 AM
3	None of your business. This is ridiculous.	8/7/2018 2:24 PM

Q14 Relationship Status

Answered: 131 Skipped: 9



ANSWER CHOICES

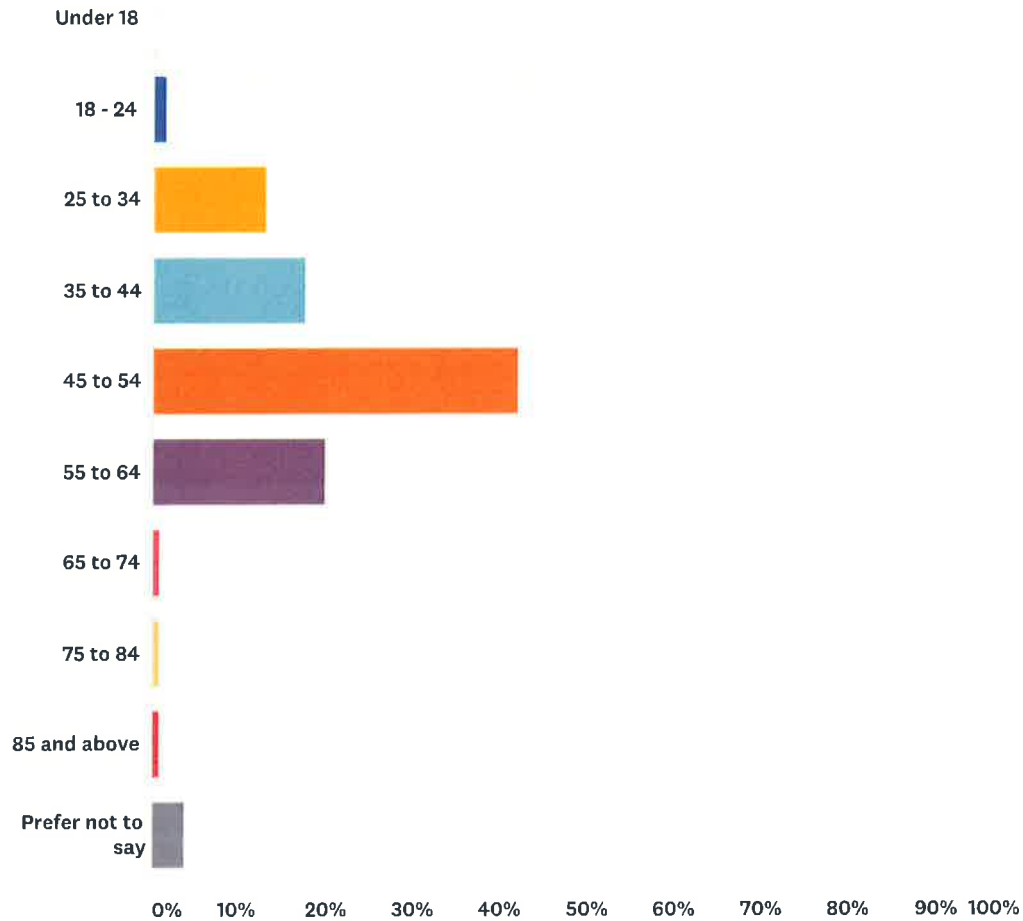
RESPONSES

Single	60.31%	79
Married	19.08%	25
Civil Partnership	0.76%	1
Co-habiting	7.63%	10
Widowed	3.82%	5
Prefer not to say	6.87%	9
Other (please specify)	1.53%	2
TOTAL		131

#	OTHER (PLEASE SPECIFY)	DATE
1	Divorced	8/27/2018 6:29 PM
2	Engaged	8/9/2018 4:39 PM

Q15 What was your age on your last birthday?

Answered: 131 Skipped: 9



ANSWER CHOICES

Under 18
18 - 24
25 to 34
35 to 44
45 to 54
55 to 64
65 to 74
75 to 84
85 and above
Prefer not to say

RESPONSES

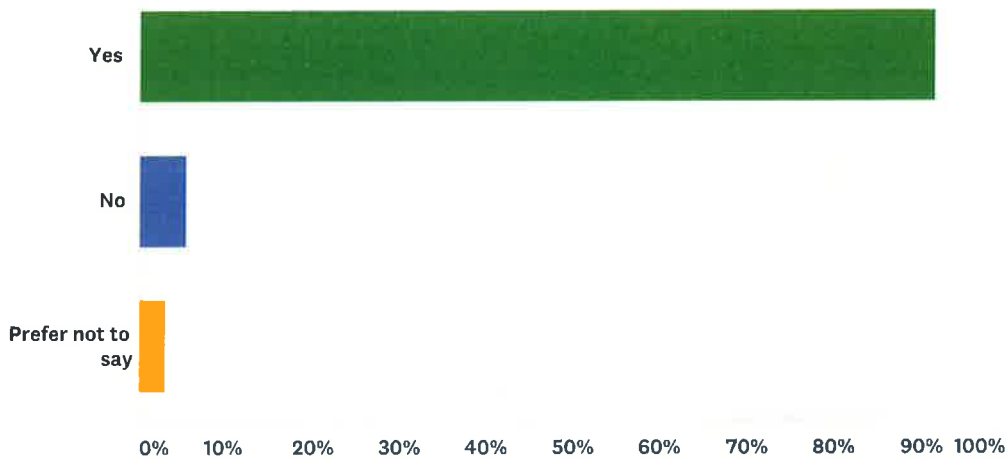
Percentage	Count
0.00%	0
1.53%	2
12.98%	17
17.56%	23
41.98%	55
19.85%	26
0.76%	1
0.76%	1
0.76%	1
3.82%	5

TOTAL

131

Q16 Citizenship and NationalityAre you a British / United Kingdom citizen or national?

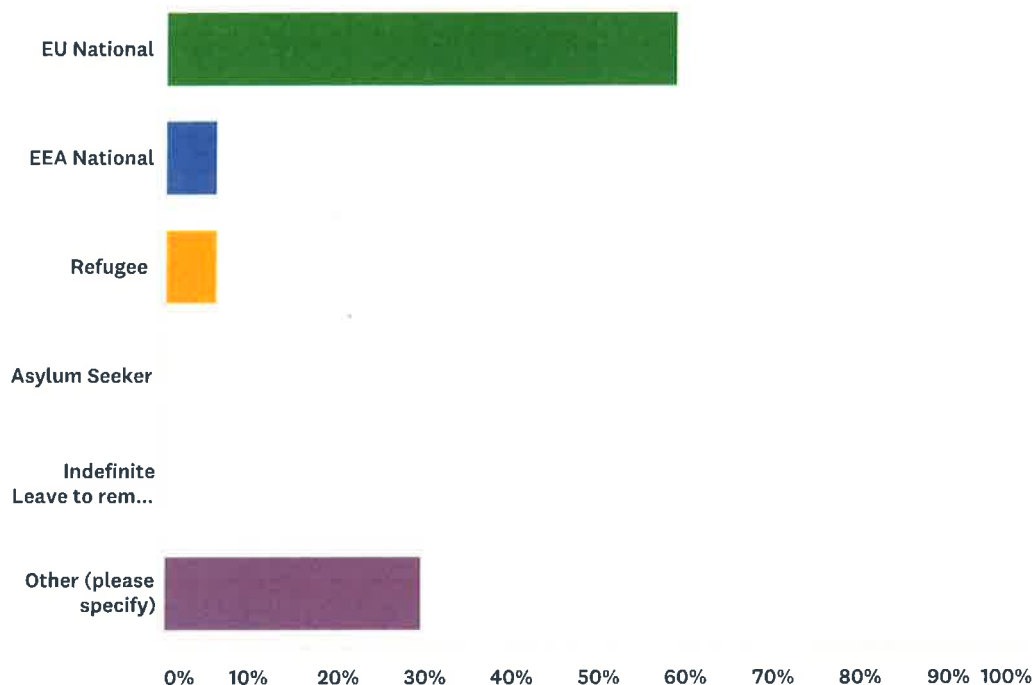
Answered: 131 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	91.60%	120
No	5.34%	7
Prefer not to say	3.05%	4
TOTAL		131

Q17 If no, please select from the list below

Answered: 17 Skipped: 123



ANSWER CHOICES

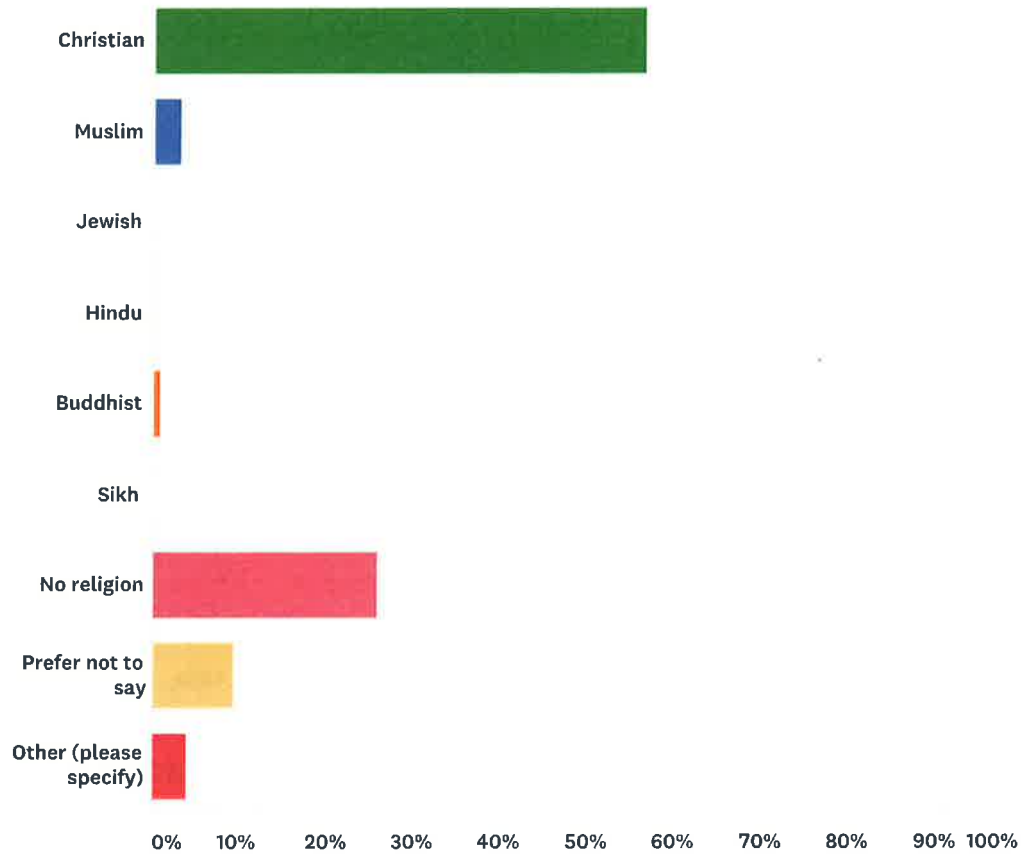
RESPONSES

EU National	58.82%	10
EEA National	5.88%	1
Refugee	5.88%	1
Asylum Seeker	0.00%	0
Indefinite Leave to remain / enter	0.00%	0
Other (please specify)	29.41%	5
TOTAL		17

#	OTHER (PLEASE SPECIFY)	DATE
1	I prefer not to say.	9/26/2018 6:34 PM
2	I am a British National. This is a fault in your survey	9/9/2018 7:36 PM
3	I ticked yes to British	9/6/2018 11:16 AM
4	ENGLISH	8/10/2018 12:32 PM
5	7	8/4/2018 11:48 AM

Q18 Faith, Religion or Belief

Answered: 127 Skipped: 13



ANSWER CHOICES

RESPONSES

Christian	56.69%	72
Muslim	3.15%	4
Jewish	0.00%	0
Hindu	0.00%	0
Buddhist	0.79%	1
Sikh	0.00%	0
No religion	25.98%	33
Prefer not to say	9.45%	12
Other (please specify)	3.94%	5
TOTAL		127

#	OTHER (PLEASE SPECIFY)	DATE
1	I do not believe this is relevant to my point of view	9/28/2018 1:47 PM
2	Catholic	8/17/2018 2:19 PM

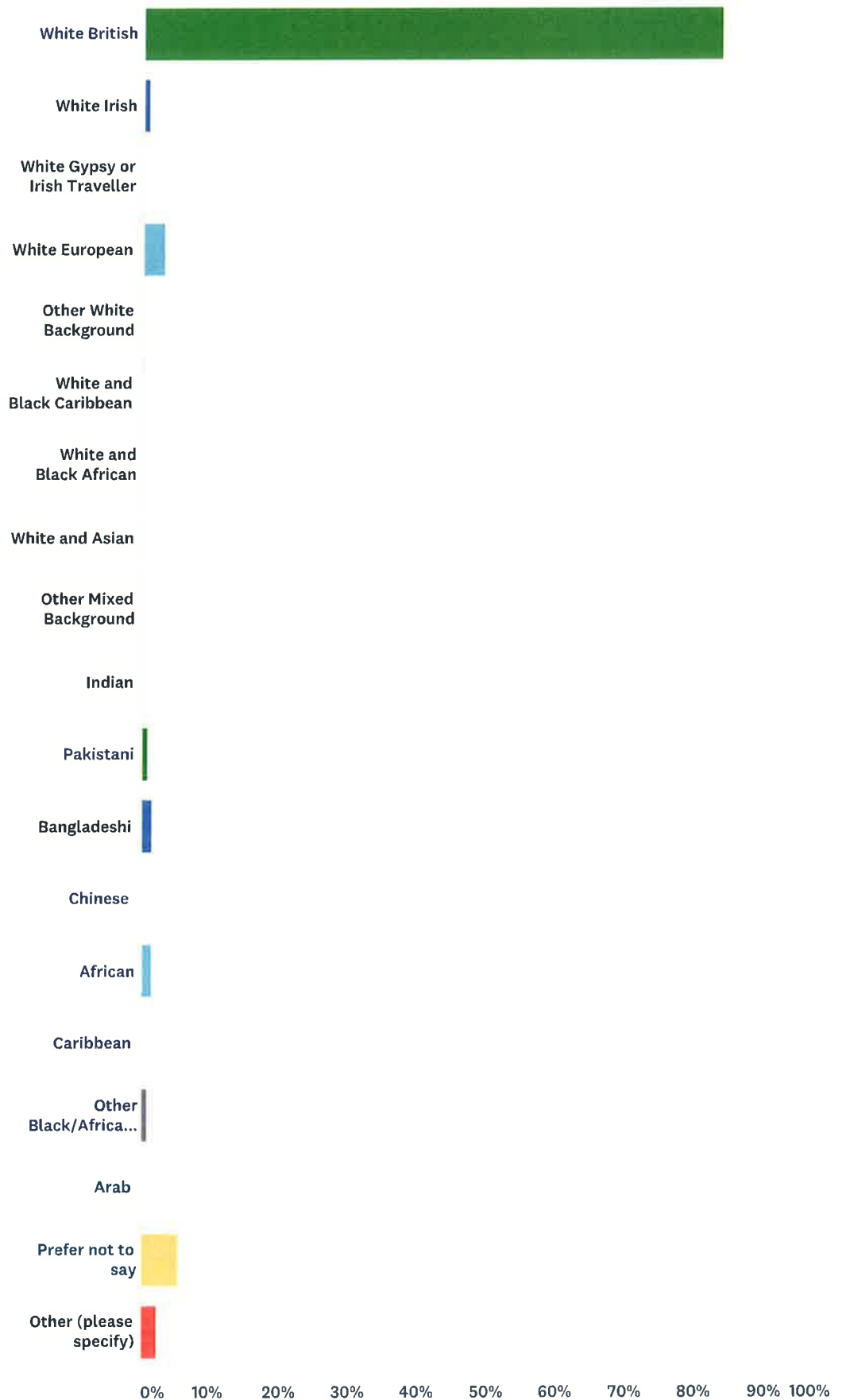
Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

3	AGNOSTIC	8/14/2018 11:08 AM
4	None of your business. This is disgusting.	8/7/2018 2:24 PM
5	Christian spiritualist	8/7/2018 1:47 PM

Q19 What is your ethnicity?

Answered: 130 Skipped: 10

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium



ANSWER CHOICES

RESPONSES

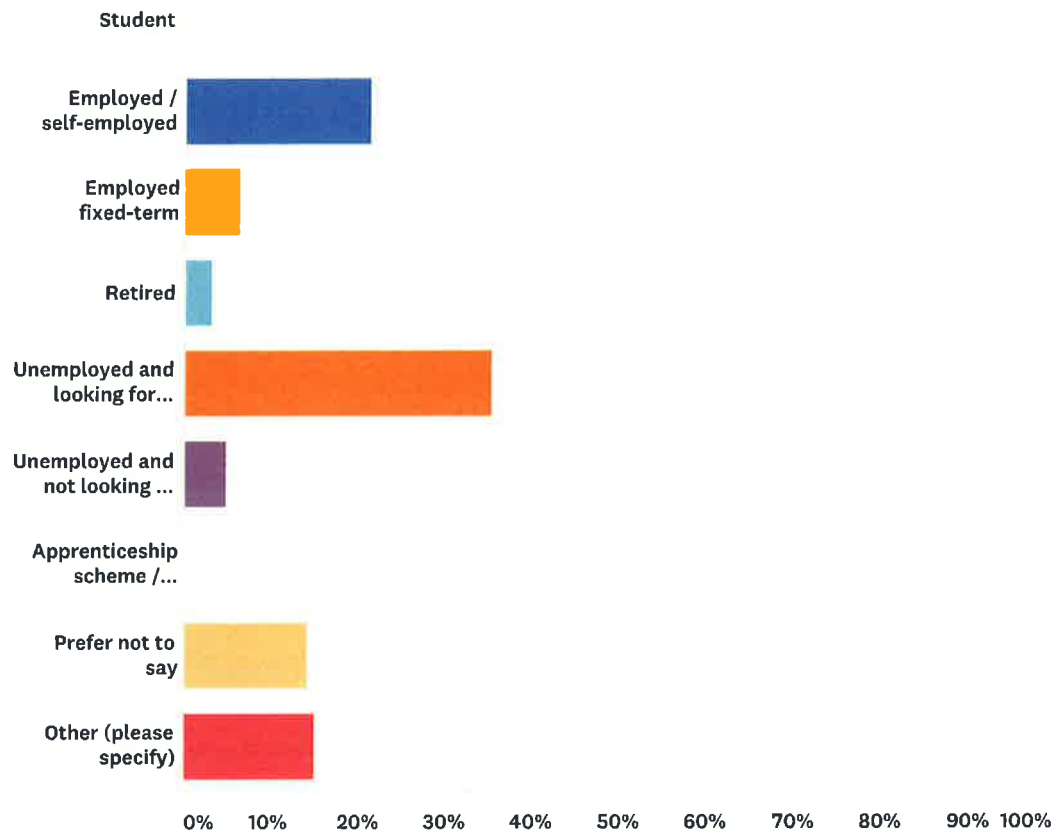
Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

White British	83.85%	109
White Irish	0.77%	1
White Gypsy or Irish Traveller	0.00%	0
White European	3.08%	4
Other White Background	0.00%	0
White and Black Caribbean	0.00%	0
White and Black African	0.00%	0
White and Asian	0.00%	0
Other Mixed Background	0.00%	0
Indian	0.00%	0
Pakistani	0.77%	1
Bangladeshi	1.54%	2
Chinese	0.00%	0
African	1.54%	2
Caribbean	0.00%	0
Other Black/African/Caribbean background	0.77%	1
Arab	0.00%	0
Prefer not to say	5.38%	7
Other (please specify)	2.31%	3
TOTAL		130

#	OTHER (PLEASE SPECIFY)	DATE
1	I do not believe this is relevant to my point of view	9/28/2018 1:47 PM
2	Sri Lankan	9/16/2018 11:51 PM
3	This question is racist.	8/7/2018 2:24 PM

Q20 What is your employment status

Answered: 127 Skipped: 13



ANSWER CHOICES

RESPONSES

Student	0.00%	0
Employed / self-employed	21.26%	27
Employed fixed-term	6.30%	8
Retired	3.15%	4
Unemployed and looking for work	35.43%	45
Unemployed and not looking for work	4.72%	6
Apprenticeship scheme / training	0.00%	0
Prefer not to say	14.17%	18
Other (please specify)	14.96%	19
TOTAL		127

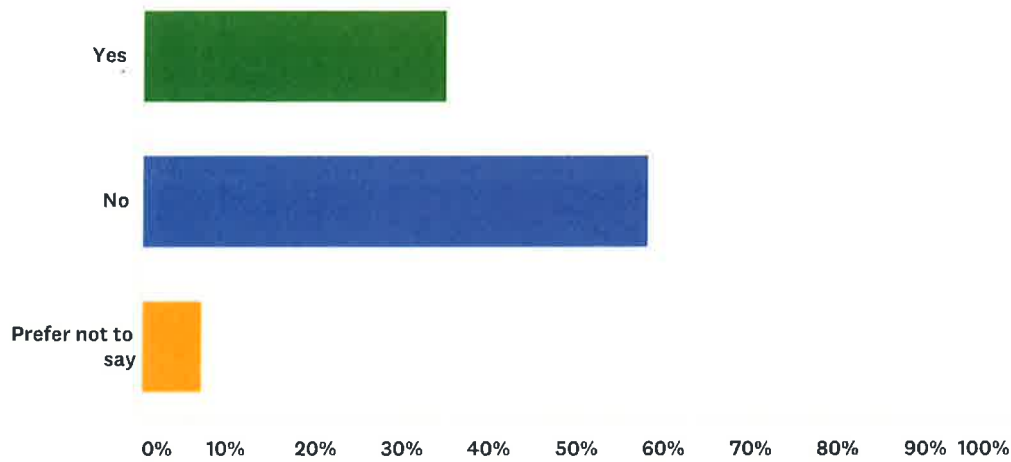
#	OTHER (PLEASE SPECIFY)	DATE
1	Unemployed and UNABLE to work.	8/28/2018 4:51 PM
2	Full time career for disabled partner	8/28/2018 2:37 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

3	Full time mum	8/24/2018 9:04 AM
4	Stay at home parent. Full time carer of 2 children under 1.	8/23/2018 11:20 AM
5	Long-term debilitating sickness	8/17/2018 2:19 PM
6	UNABLE TO WORK DUE TO LONG TERM DISABILITIES.	8/14/2018 11:08 AM
7	Disabled	8/13/2018 3:17 PM
8	Unpaid career for partner	8/11/2018 11:54 AM
9	Sick and disabled	8/8/2018 5:35 PM
10	Disabled due to M.E	8/8/2018 3:51 PM
11	Off sick. Cannot work due to illness.	8/7/2018 7:08 PM
12	Not working due to disability	8/7/2018 2:31 PM
13	Disabled	8/7/2018 2:24 PM
14	Unable to work due to physical disabilities.	8/7/2018 1:47 PM
15	Out of work due to ill health	8/5/2018 8:16 PM
16	Medically unfit to work due to mental health disability	8/4/2018 1:32 PM
17	Disabled & unable to work	8/4/2018 12:08 PM
18	Retires through permanent illness	8/4/2018 11:48 AM
19	Disbled	8/4/2018 11:47 AM

Q21 Do you consider yourself to have a disability, impairment or health condition?

Answered: 129 Skipped: 11



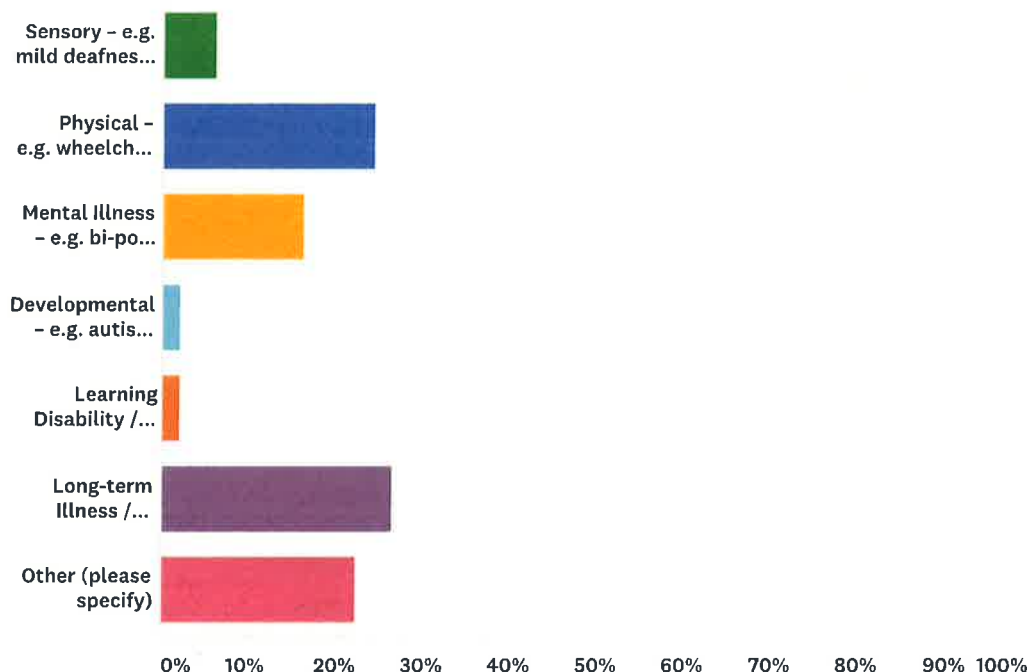
ANSWER CHOICES

RESPONSES

Yes	34.88%	45
No	58.14%	75
Prefer not to say	6.98%	9
TOTAL		129

Q22 If yes, which description best describes your impairment? This information will help us improve access to our services.

Answered: 49 Skipped: 91



ANSWER CHOICES

RESPONSES

Sensory – e.g. mild deafness; partially sighted; blindness	6.12%	3
Physical – e.g. wheelchair user	24.49%	12
Mental Illness – e.g. bi-polar disorder; schizophrenia; depression	16.33%	8
Developmental – e.g. autistic spectrum disorders (ASD); dyslexia and dyspraxia	2.04%	1
Learning Disability / Condition – e.g. Down's syndrome; Cerebral palsy	2.04%	1
Long-term Illness / Health Condition – e.g. cancer, HIV, diabetes, chronic heart disease, stroke	26.53%	13
Other (please specify)	22.45%	11
TOTAL		49

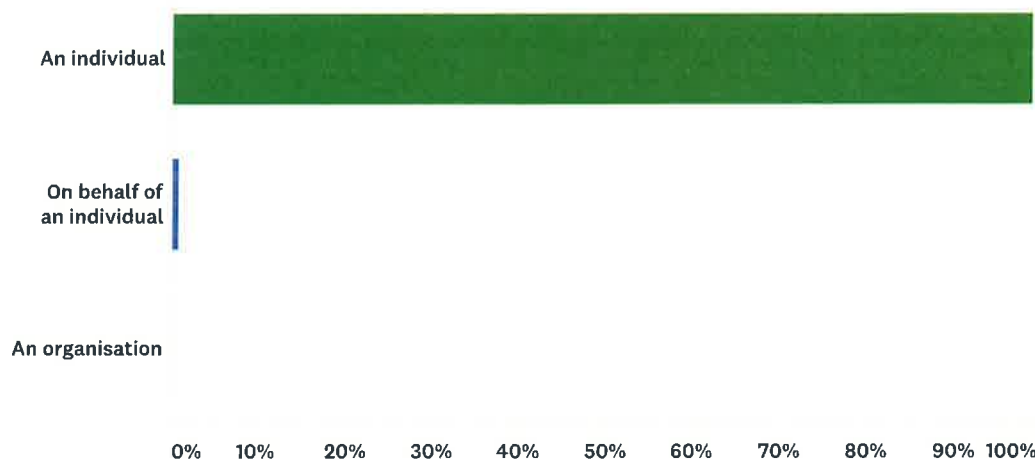
#	OTHER (PLEASE SPECIFY)	DATE
1	None	9/9/2018 7:36 PM
2	No	9/6/2018 11:16 AM
3	prefer not to say	8/22/2018 8:06 PM
4	KYPHISCOLIOSIS, PARTIALLY DEAF, SIATICA, OSTEO ARTHRITIS, NEED GLASSES, OCD, DEPRESSION, ANXIETY, SPEECH IMPAIRMENT. MEMORY PROBLEMS.	8/14/2018 11:08 AM
5	Severe deafness and long term medical conditions not really covered by the above	8/11/2018 11:26 AM
6	Mental illness and physical. Your survey wouldn't let me tick 2	8/8/2018 5:35 PM
7	I have C.O.P.D plus osteoarthritis	8/7/2018 7:59 PM

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8	Epilepsy diabetes & stroke.	8/7/2018 4:57 PM
9	n/a	8/7/2018 2:51 PM
10	Anxiety and depression. Severe back disability. High blood pressure.	8/7/2018 2:24 PM
11	not saying.	8/4/2018 9:49 AM

Q23 I am answering as:

Answered: 129 Skipped: 11



ANSWER CHOICES

An individual

On behalf of an individual

An organisation

TOTAL

RESPONSES

99.22%

0.78%

0.00%

128

1

0

129

#	YOU / THEIR POSTCODE	DATE
1	RM3 0RX	9/30/2018 10:09 AM
2	rm1 2qj	9/27/2018 5:28 PM
3	RM13 8SJ	9/27/2018 12:25 PM
4	CO7 0EY	9/26/2018 6:34 PM
5	RM3 0UT	9/25/2018 3:08 PM
6	RM1 4EF	9/5/2018 12:34 AM
7	rm13 7at	9/4/2018 12:07 PM
8	Rm139ht	8/30/2018 4:31 PM
9	RM30UU	8/29/2018 3:33 PM
10	rm13 8jb	8/28/2018 3:58 PM
11	Rm3	8/28/2018 2:37 PM
12	rm2 5th	8/26/2018 9:48 PM
13	Rm1	8/23/2018 11:20 AM
14	IM1	8/22/2018 8:06 PM
15	RM12 4PX	8/14/2018 9:05 PM
16	RM3 8RU	8/14/2018 11:08 AM
17	RM1 4HD	8/13/2018 2:00 PM
18	RM14	8/12/2018 5:38 PM

Consultation on the Council Tax Support Scheme and the Council Tax Long Term Empty Homes Premium

19	RM7 9LT	8/11/2018 3:05 PM
20	RM13 7PP	8/11/2018 12:58 PM
21	RM12 6BA	8/10/2018 12:32 PM
22	rm2 5sp	8/9/2018 4:25 PM
23	RM3 7HP	8/7/2018 7:08 PM
24	rm3 8ru	8/7/2018 5:31 PM
25	RM1 3BB	8/7/2018 4:23 PM
26	rm12	8/7/2018 3:45 PM
27	RM3 9TH	8/7/2018 2:51 PM
28	RM7 9DP	8/7/2018 2:31 PM
29	RM1 2np	8/7/2018 2:18 PM
30	Rm5 3ej	8/7/2018 1:47 PM
31	Rm70qa	8/7/2018 1:10 PM
32	Rm3 7RX	8/7/2018 10:54 AM
33	rm12	8/6/2018 11:59 AM
34	RM11 3SH	8/5/2018 5:56 PM
35	RM12 4EG	8/5/2018 8:10 AM
36	Rm137jb	8/4/2018 6:18 PM
37	RM37TH	8/4/2018 2:00 PM
38	Rm1	8/4/2018 1:32 PM
39	rm3 8yx	8/4/2018 12:08 PM
40	RM7 0BF	8/4/2018 10:55 AM
41	RM3 8JW	8/4/2018 10:36 AM
42	RM1 3BX	8/2/2018 10:32 AM

Risk Register

Appendix E

Project Name:	Proposed changes to Local Council Tax Support Scheme	Project Ref:		Project Manager	Chris Henry
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Risk No	Risk	Possible Consequences	Impact Red/Amber/Green	Likelihood Red/Amber/Green	Counter-measures	Owner
01	Managing the new administrative burdens arising from the proposed amendments to the local Council Tax Support scheme. As well as reviewing performance management measures. Additionally, amendments to notification letters, the claim form and publicity including website.	Additional resources will be needed to ensure that the necessary changes are made.	Red	Amber	Changes in processes should be kept to a minimum. Current procedures will be adapted. For forms and letters, current stocks can be used as an interim measure.	Project Board
02	The proposed amendments to the Local Council Tax Support scheme will have a potential impact on collection rates.	Collection rates could drop significantly	Red	Red	Raising awareness of residents about the forthcoming changes is essential. Ensure payment options including instalments, direct debits etc. are also widely publicised. The scheme should also link in with debt counselling and financial inclusion provision.	Council Tax and Benefits
03	Significant changes to caseload profile could affect the Local Council Tax Support scheme. This could undermine the savings anticipated, increase costs and reduce effectiveness.	If the numbers applying for help increase (including significant migration from other boroughs), this would increase costs to the borough which would need to be reflected in the budget	Amber	Green	Building a surplus into the savings will allow for a hardship fund for short term Council Tax and Benefits Finance support for vulnerable families, although there will be associated admin costs. The scheme should also link in with debt counselling and financial inclusion provision.	Council Tax and Benefits Finance
04	The impact of continuing roll out of the wider welfare reform agenda undermines the policy intentions and costs profiling of the proposed changes to the Local Council Tax Support scheme.	Efforts to protect sections of the community would be undermined and cause them to be more adversely affected than intended.	Amber	Amber	Working closely with the local community and consulting widely on the changes to the scheme will help to minimise any unforeseen outcomes.	Project Board Finance

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Appendix F

Council Tax Support (CTS) Options 2019/20

Considered at Cabinet 25 July 2018

1. High Level Summary of the current Council Tax Support Scheme

The Council Tax Support Scheme (CTS) is a local scheme designed to help working age residents on a low income with their council tax payments.

Residents who are of pensionable age and on a low income may receive up to 100% CTS. The CTS Scheme for Pensioners is prescribed in The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012.

The Council applies the following rules to working-age claimants:

- The maximum CTS allowed for working-age claimants is 85% of their council tax liability. This means that every working age household must pay a minimum charge of 15% towards their Council Tax Bill.
- Non-dependant deductions will apply for other adults living in the Claimant's household. A deduction rate of £20, £15, £9 or £6 per week will apply depending on the other adult's income. The higher the income, the higher the non-dependant deduction.
- The eligible weekly Council Tax used to calculate CTS shall not exceed the weekly Council Tax Band D value for a property in Havering.
- The amount of savings and investments residents are allowed to have and still be entitled to claim CTS is £6,000 or below.

Applications for further discretionary reductions

Under Section 13A(1)(c) of the Local Government Finance Act 1992 and The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, the Authority will consider applications for a further reduction in Council Tax.

There will be financial implications in that the cost of any reduction which will be a direct cost to the Council. The cost of any discretionary reduction will, therefore, have to be met by Havering's taxpayers.

Applications must be made in writing or by prescribed electronic communications.

2. Estimated savings options proposing varying increases to the minimum Council Tax payable by Working Age CTS claimants

Option 1
Increase minimum Council Tax payment for Working Age and Disabled Working Age claimants to 20% (currently 15%).
Net Savings £367,289 GLA element 95,572 BDP £ 51,428 Gross Savings £514,289
Who is affected: All working age claimants (Pension age protected) 5471 JSA(Job Seeker's Allowance)/Income Support claimants: £306,595 Average £56 per year/£1.08 p/w loss to claimant 3416 All other working age claimants: £207,694 Average £61 per year/£1.17 p/w loss to claimant <i>Similar scheme adopted by oS Newham, oS Bexley & Barnet</i>

Option 2
a) Increase minimum Council Tax payment for Working Age claimants to 20% (currently 15%) b) No change to Disabled Working Age & Carer claimants @ 15% (3422 claimants)
Net Saving: £226,776 GLA element £56,693 BDP £31,496 Gross Savings £314,965
Who is affected: All Non- Disabled working age claimants (Pension age protected) 2695 JSA/Income Support claimants: £147,209 Average £54.62 per year/£1.05 p/w loss to claimant. 2770 All other working age claimants: £167,756 Average £60 per year/£1.16 p/w loss to claimant. <i>Similar scheme adopted by Brent, Haringey & Sutton</i>

Option 3
Increase minimum Council Tax payment for Working Age and Disabled Working Age claimants to 25% (currently 15%)
Net Saving: £742,793 GLA element £185,698 BDP £ 103,165 Gross Savings £1,031,656
Who is affected: All working age claimants (Pension age protected) 5471 JSA/Income Support claimants: £617,010 Average £113 per year/£2.17 p/w loss to claimant 3416 All other working age claimants: £414,646 Average £121 per year/£2.33 p/w loss to claimant <i>Similar scheme adopted by Barking & Dagenham, Bromley</i>

Option 4 Preferred Option
a) Increase the minimum Council Tax payment for Working Age claimants to 25% (currently 15%). b) Increase the Council Tax payment for Disabled Working Age claimants to 20% (currently 15%).
Net Saving: £596,859 GLA element £149,215 BDP £82,897 Gross Savings £828,971
Who is affected: All working age Non- Disabled claimants (Pension age protected) 2695 JSA/Income Support claimants: £295,385 Average £109 per year/£2.10 p/w loss to claimant. 2770 All other working age claimants: £334,262 Average £120 per year/£2.30 p/w loss to claimant. Disabled Working Age 20% 2776 JSA/Income Support disabled claimants: £159,387 Average £57 per year/£1.10 p/w loss to claimant. 646 All other working age disabled claimants: £39,937 Average £61.82 per year/£1.19 p/w loss to claimant.

Option 4a

- a) Increase minimum Council Tax payment for Working Age claimants to 25% (currently 15%)
b) No change to Disabled Working Age & Carer claimants @ 15% (3422 claimants)

Net Saving: £453,347

GLA element £113,336

BDP £62,964

Gross Savings £629,647

Who is affected: All working age Non- Disabled claimants (Pension age protected)

2695 JSA/Income Support claimants: £295,385 Average £109 per year/£2.10 p/w loss to claimant.

2770 All other working age claimants: £334,262 Average £120 per year/£2.30 p/w loss to claimant.

Similar scheme adopted by Redbridge, Ealing, Enfield & Hillingdon

Option 5

Increase minimum Council Tax payment for Working Age claimants to 30% (currently 15%)

Net Saving: £1,111,804

GLA element £277,950

BDP £154,417

Gross Savings £1,544,171

Who is affected: All working age claimants (Pension age protected)

5471 JSA/Income Support claimants: £927,214 Average £169 per year/£3.26 p/w per claimant

3416 All other working age claimants: £616,957 Average £180 per year/£3.47 p/w loss to claimant

Similar Scheme adopted by Lewisham 33%

Option 5a

- a) Increase minimum Council Tax payment for Working Age claimants to 30% (currently 15%) (5465 claimants)
b) Increase minimum Council Tax payment for Disabled Working Age & Carer claimants to 20% (currently 15%) (3422 claimants)

Net Saving: £820,394

GLA element £205,098

BDP £113,943.

Gross Savings £1,139,435

Who is affected: All working age claimants (Pension age protected)**Working age 30%:**

2695 JSA/Income Support claimants: £ 443,400 Average £164 per year/£3.16 p/w loss to claimant.

2770 All other working age claimants: £496,711 Average £179 per year/£3.44 p/w loss to claimant.

Disabled Working age 20%:

2776 JSA/Income Support disabled claimants: £159,387 Average £57 per year/£1.10 p/w loss to claimant.

646 All other working age disabled claimants: £39,937 Average £61.82 per year/£1.19 p/w loss to claimant.

Option 6

- a) Increase minimum Council Tax payment for Working Age claimants to 30% (currently 15%)
b) No change to Disabled Working Age & Carer claimants @ 15% (3422 claimants)

Net Saving: £676,880

GLA element £169,220

BDP £94,011

Gross Savings £940,111

Who is affected: All Non- Disabled working age claimants (Pension age protected)

2695 JSA/Income Support claimants: £ 443,400 Average £164 per year/£3.16 p/w loss to claimant.

2770 All other working age claimants: £496,711 Average £179 per year/£3.44 p/w loss to claimant.

Similar scheme adopted by Wandsworth & Harrow

3. London Local Authority Information

- Neighbouring borough Scheme dates in options above are in respect of 2018 year
- Bromley, Barking & Dagenham, Ealing, Redbridge & Hillingdon have a 25% minimum CT charge.
- 6 boroughs (Kensington, City, Hammersmith, Kingston, Merton & Westminster) have 100% CTS scheme since 2013.

Appendix G

Summary of Other London Local Authority Schemes for 2017/18 & 2018/19

Local Authority	LA area	Minimum council tax payment 2018/19	Minimum council tax payment 2017/18	Known protected groups
Lewisham	Inner London	33%	33.0%	Advises section 13A for vulnerable residents
Harrow	Outer London	30.0%	30.0%	14% disabled Bands F & G. War Pensioners
Wandsworth	Inner London	30.0%	30.0%	Carers/disabled/war pensioners/child u3
Enfield	Outer London	26.5%	26.5%	Care leavers added to carers/disabled/pip
Bromley	Outer London	25.0%	25.0%	War pensioners
Barking & Dagenham	Outer London	25.0%	25.0%	
Ealing	Outer London	25.0%	25.0%	Vulnerable protected 100%
Redbridge	Outer London	25.0%	20.0%	15% Disabled
Hillingdon	Outer London		25.0%	Disabled 10% War pensioners 0%
Waltham Forest	Outer London	24.0%	24.0%	Advises Section 13A for hardship
Barnet	Outer London	20.0%	20.0%	War pensioners
Bexley	Outer London	20.0%	20.0%	Advises section 13A for exceptional circs.
Brent	Outer London	20.0%	20.0%	Disabled/war pensioners/carers Allowance
Newham	Inner London	20.0%	20.0%	
Haringey	Inner London	20.0%	19.8%	Disabled/vulnerable/care leavers 0%
Sutton	Outer London	20.0%	20.0%	Disabled/non-working care leavers 0% Working care leavers-higher income disregard
Lambeth	Inner London	15.9%	15.9%	Disabled/Carers/war pensioners
Croydon	Outer London	15.0%	15.0%	Disabled/Income Support/Single parents child U5
Greenwich	Outer London	15.0%	15.0%	
Hackney	Inner London	17.0%	15.0%	Additional discount for Care leavers
Havering	Outer London	15.0%	15.0%	War Pensioners
Southwark	Inner London		15.0%	
Richmond upon Thames	Outer London	15%	15.0%	Vulnerable working age protection
Hounslow	Outer London	8.5%	8.5%	?
Islington	Inner London	8.5%	8.5%	?
City of London	Inner London	0.0%	0.0%	N/A no minimum payment
Hammersmith and Fulham	Inner London	0.0%	0.0%	N/A no minimum payment
Kensington and Chelsea	Inner London	0.0%	0.0%	N/A no minimum payment

Kingston upon Thames	Outer London	0.0%	0.0%	N/A no minimum payment
Merton	Outer London	0.0%	0.0%	N/A no minimum payment
Tower Hamlets	Inner London	0.0%	0.0%	N/A- no minimum payment
Westminster	Inner London	0.0%	0.0%	N/A- no minimum payment
Camden	Inner London groups	0.0%	8.5%	N/A- no minimum payment

Source IPPR analysis of MHCLG 2017 & Individual Council websites



Havering
LONDON BOROUGH

The London Borough of Havering Local Council Tax Reduction Scheme

2019-20

Citation, commencement and application

1.—(1) This scheme may be cited as the London Borough of Havering Local Council Tax Reduction Scheme and applies to all applicants liable for Council Tax within the authority on or after 1 April 2019.

(2) The provisions apply to all persons making an application for a reduction under this scheme

Explanatory Note

2. (1) This scheme incorporates the following:

(a) The statutory requirements prescribed in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 in exercise of the powers conferred on the Secretary of State by section 113(2) of, and paragraph 2 of Schedule 1A to the Local Government Finance Act 1992.

(b) Provisions made by The Council in exercise of the powers conferred by section 13A(2), and paragraph 2 of Schedule 1A to of the Local Government Finance Act 1992.

SCHEDULE

Regulation 2

Council Tax Reduction Scheme (Default Scheme) 2019

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Introduction

1. This scheme relates to the financial year beginning with 1st April 2019 and may be cited as the Council Tax Reduction Scheme (Default Scheme) 2019.

PART 2

Interpretation

Interpretation

2.—(1) In this scheme—

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated 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;

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 31 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 25 and Schedule 2, and

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family;

“(1A) For the purposes of sub-para (1)(b) as it applies from sub-para (1C), where the family includes more than 2 individuals who are either children or young persons and under para 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest total amount.

(1B) Sub para (1C) applies where-

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not

any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and

(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as submitted by sub-paragraph (1C) would be higher than the total amount that would be included under para (1)(b) apart from sub-para (1C).

(1C) Where this paragraph applies, for sub- paragraph (1)(b) substitute (b) an amount determined in accordance with Paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit.

“applicant” means a person who has made an application;

“application” means an application for a reduction under this scheme;

“approved blood scheme” means a scheme established or approved by the Secretary of State or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means—

(a) in relation to pensioners—

(i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or

(ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

“attendance allowance” means—

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

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

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

(d) 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;

“basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995, the State Pension Credit Act 2002 and the Welfare Reform Act 2007;

“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;

“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;

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

“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 2002 are charged;

“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;

“couple” has the meaning given by paragraph 4;

“designated office” means the office of the authority designated by it for the receipt of applications—

(a) by notice upon or with a form supplied by it for the purpose of making an application; 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 and without charge; or

(c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;

“earnings” has the meaning given by paragraph 41, 44, 51 or 53 as the case may be;

“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 SSCBA 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;

“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 claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

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

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

“extended reduction” means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 89, 96 or 101;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with paragraph 88 or 95;

“family” has the meaning given by paragraph 6;

“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;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“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;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“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;

“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 given 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;

“the London Bombings 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;

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd Dec 2015 and the registered charity of that name (number 112307 established on 28th March 2017;

“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 or where the applicant is a member of the work-related activity group except in Part 1 of Schedule 3;

“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;

“maximum council tax reduction amount” means the amount determined in accordance with paragraphs 29 and 29A;

“member of a couple” means a member of a married or unmarried couple;

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

“mobility supplement” means—

(a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;

(b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

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

“net earnings” means such earnings as are calculated in accordance with paragraph 42 or 52, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 61;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 91, 98 and 103, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9;

“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;

“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 ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;

“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;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“pensioner” has the meaning given by paragraph 3(2)(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by paragraph 21;

“person who is not a pensioner” has the meaning given by paragraph 3(2)(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) an annuity contract or 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) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to 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 any marriage to which paragraph 5 applies;

“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 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, the Scottish Infected Blood Support Scheme, an approved Blood Scheme, the London Emergencies trust, the We Love Manchester Emergency Fund 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 week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by paragraph 10;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

refer, less any deductions in respect of non-dependants which fall to be made under paragraphs 30 and 30A (nondependent deductions);

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978 (b));

“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 SSCBA;

“self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (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.); or

(c) the Employment, Skills and Enterprise Scheme;

“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;

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

“the SSCBA” means the Social Security Contributions and Benefits Act 1992;

“state pension credit” means state pension credit under the State Pension Credit Act 2002;

“student” has the meaning given by paragraph 73;

“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 Chief Executive of Skills Funding or the 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, that department or approved by that 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,

but 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 Employment and Training Act 1973, or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and “Trustees” is to be construed accordingly;

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012;

“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;

“the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;

“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

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

(3) 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 because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable);

(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 section 19 or 19A or regulations made under section 17A or 19B of that Act; or

(c) in respect of which an income-based 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).

(4) 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 2007 (disqualification); or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) 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.

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

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

(7) In these Regulations, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in regulations 13 to 15.

(8) References in these Regulations to an applicant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;

(aa) 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(4); 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) or (aa) where the carer is not being consulted as described in that sub-paragraph.

Application of scheme: pensioners and persons who are not pensioners

3.—(1) This scheme applies to—

(a) pensioners who fall within any of classes A to C; and

(b) persons who are not pensioners who fall within any of classes D to E.

(2) In this scheme—

(a) a person is a “pensioner” if—

(i) he has attained the qualifying age for state pension credit; and

(ii) he is not and, if he has a partner, his partner is not—

(aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or

(bb) a person with an award of universal credit; and

(b) a person is a “person who is not a pensioner” 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—

(aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or

(bb) a person with an award of universal credit.

Meaning of “couple”

4.—(1) In this scheme “couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and 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.

(2) 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.

Polygamous marriages

5.—(1) This paragraph applies to any case where—

(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.

(2) For the purposes of paragraph 4 (meaning of “couple”) neither party to the marriage is to be taken to be a member of a couple.

Meaning of “family”

6.—(1) In this scheme “family” means—

(a) a couple;

(b) a 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; or

(c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

(2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).

(3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—

(a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, or has an award of universal credit;

(b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or

(c) entitled to an award of universal credit .

Circumstances in which a person is to be treated as responsible or not responsible for another

7.—(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.

(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 must be treated for the purposes of sub-paragraph (1) as normally living with—

(a) the person who is receiving child benefit in respect of that child or young person, 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.

(3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is 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 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained) (c), or in Scotland boarded out or placed 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 or the Adoption (Northern Ireland) Order 1987.

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

(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.

(4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—

(a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this paragraph "relevant enactment" means—

(a) the Army Act 1955;

(b) the Air Force Act 1955;

(c) the Naval Discipline Act 1957;

(d) the Matrimonial Proceedings (Children) Act 1958;

(e) the Social Work (Scotland) Act 1968;

(f) the Family Law Reform Act 1969;

(g) the Children and Young Persons Act 1969;

(h) the Matrimonial Causes Act 1973;

(i) the Children Act 1975;

(j) the Domestic Proceedings and Magistrates' Courts Act 1978;

(k) the Adoption and Children (Scotland) Act 2007;

(l) the Family Law Act 1986;

(m) the Children Act 1989;

(n) the Children (Scotland) Act 1995;

(na) the Children's Hearings (Scotland) Act 2011; and

(o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Non-dependants

9.—(1) In this scheme, “non-dependant” means any person, except someone to whom subparagraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

(a) any member of the applicant’s family;

(b) if the applicant is polygamously married—

(i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—

(aa) party to such a marriage other than the applicant’s partner; and

(bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or

(ii) in any other case, 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 paragraph 8 (households);

(d) subject to sub-paragraph (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 section 6 or 7 of the 1992 Act (persons liable to pay council tax);

(e) subject to sub-paragraph (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) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is 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 his 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 a 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 change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

Remunerative work

10.—(1) Subject to the following provisions of this paragraph, a person must 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.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—

(a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);

(b) in any other case, the period of 5 weeks immediately prior to the date of application, 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.

(3) Where, for the purposes of sub-paragraph (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 must be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must 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.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.

(7) A person must 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.

(8) A person must 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.

PART 3

Procedural matters

Procedure for reduction applications and appeals against reduction decisions

11. Schedule 1 contains provisions about the procedure—

(a) by which a person may apply for a reduction under this scheme;

(b) by which a person may make an appeal against certain decisions of the authority;

(c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

PART 4

Classes of person entitled to a reduction under this scheme

Classes of person entitled to a reduction under this scheme

12.—(1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.

(2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class A: pensioners whose income is no greater than the applicable amount

13. 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount, and
- (f) who has made an application.

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

14. 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) 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 $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

Class C: alternative maximum council tax reduction – pensioners

15.—(1) 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;

(e) who has made an application; and

(f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(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 incomes, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (2) 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 (persons disregarded for the purposes of discount), 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.

Class D: persons who are not pensioners whose income is less than the applicable amount

16. On any day class D consists of any person who is not 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount, and
- (f) who has made an application.

Class E: persons who are not pensioners whose income is greater than the applicable amount

17. On any day class E consists of any person who is not 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

18. Paragraph deleted

Periods of absence from a dwelling

19.—(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), 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 in Great Britain 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) subject to sub-paragraph (2B), a period of absence within Great Britain 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;

(c)) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that 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 sub-paragraph (3) applies;

(iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(d) subject to sub-paragraphs (2F), (3C), (3E), and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks,

beginning with the first day of that absence from Great Britain 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 resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

“(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

(a) a person returns to Great Britain after a period of absence from Great Britain (period A);

(b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

(a) a person returns to Great Britain after a period of absence from Great Britain (period A);

(b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

(a) a person is temporarily absent from Great Britain;

(b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

(a) the person’s partner or a child or young person for whom the person or the person’s partner is responsible;

(b) the person's close relative;

(c) the close relative of the person's partner; or

(d) the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3A) This sub-paragraph applies to a person ("P") who is—

(a) detained in custody on remand pending trial;

(b) detained pending sentence upon conviction; or

(c) as a condition of bail required to reside—

(i) in a dwelling, other than a dwelling P occupies as P's home; or

(ii) in premises approved under section 13 of the Offender Management Act 2007(a),

and who is not also detained in custody following sentence upon conviction.

(d) is resident in a hospital or similar institution as a patient;

(e) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(f) is following a training course;

(g) is undertaking medically approved care of a person

(h) is 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 or medical treatment;

(i) is, receiving medically approved care provided in accommodation other than residential accommodation;

(j) is a student;

(k) is receiving care provided in residential accommodation and is not a person to whom subparagraph(2)(a) applies; or

(l) 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.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of subparagraph (3);

(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

(a) the person intends to return to the dwelling;

(b) the part of the dwelling in which he usually resided is not let or sub-let;

(c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.”

(4) This sub-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, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and

(b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

(5) Where sub-paragraph (4) 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 sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;

(b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;

(c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

(6) In this paragraph—

(aa) ““continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a); “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a

master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

“residential accommodation” means accommodation which is provided in—

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

(d) 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.

Transitional Provision

3.—(1) Subject to paragraph (2), the amendments made by regulation 2(3)(a), shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—

- (a) a member of Her Majesty's forces posted overseas;
- (b) absent in the capacity of a continental shelf worker; or
- (c) absent in the capacity of a mariner.

(3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty's forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty's regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

PART 5

Classes of person excluded from this scheme

Classes of person excluded from this scheme

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

Class of person excluded from this scheme: persons treated as not being in Great Britain

21.—(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

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

(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.

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

(a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC

“(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).

(5) A person falls within this sub-paragraph if the person is—

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;

(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 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 allowance¹;

(ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4); 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").

¹ (h) reads "in receipt of income support, an income-based jobseeker's allowance or on an income-related employment and support allowance" and (ha) 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 (2) occurs.

(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.

(3) In this regulation "the Act" means the Local Government Finance Act 1992.

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

(7) 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.

(8) In this paragraph—

"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.

"Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006(d).

Class of person excluded from this scheme: persons subject to immigration control

22.—(1) Subject to paragraph (1A), persons subject to immigration control are not entitled to a reduction under this scheme.

(1A) 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 (1).

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

Class of person excluded from this scheme: capital limit

23.—(1) The class of person described in this paragraph consists of -

(a) persons in class A and B whose capital exceeds £16,000

(b) persons in class D and E whose capital exceeds £6,000 excludes those in receipt of a qualifying income related benefit (Department of Work & Pensions pass-ported benefit):

(1) Income Support

- (2) Income-based Job Seekers Allowance
- (3) Income related Employment Support Allowance

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

Class of person excluded from this scheme: students

24. The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies.

PART 6

Applicable amounts

Applicable amounts: pensioners

25.—(1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule (child or young person amounts);
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(2) In Schedule 2—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

Applicable amounts: persons who are not pensioners

26.—(1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—

(a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;

(b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;

(c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);

(d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);

(e) the amount of either the—

(i) work-related activity component; or

(ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

(f) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 3—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

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

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

Polygamous marriages: persons who are not pensioners

27.—(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—

(a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;

(b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;

(c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;

(d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);

(e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);

(f) the amount of either the—

(i) work-related activity component; or

(ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

(g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

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

28.—(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

(a) who has, or

b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

(a) one of them is a party to an earlier marriage that still subsists; and

(b) the other party to that earlier marriage is living in the same household.

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

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

PART 7

Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction amount under this scheme: pensioners

29.—(1) Subject to sub-paragraphs (2) to (4), for persons in classes A to C in this scheme a person’s maximum council tax reduction amount in respect of a day is 100 per cent of the amount A/B where—

(a) A is 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; and

(b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners).

(2) In calculating a person’s maximum council tax reduction under this scheme 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 (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (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, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.

(6) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

Maximum council tax reduction amount under this scheme: persons who are not pensioners

29A.—(1) Subject to sub-paragraphs (2) to (4), for persons in classes D to E in this scheme a person’s maximum council tax reduction amount in respect of a day is 75 per cent of the amount A/B where—

(a) A is 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; and

(b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 30A (non-dependant deductions: persons who are not pensioners) and any award restricted to the level of Band D

except where persons above are categorised as disabled.

(2) Disabled persons for the purposes of the scheme are defined as people who have a disability income that entitles them to one of the following premiums: disability, severe disability, enhanced disability, disabled child and/or carer when calculating their benefit, for such persons in this category a person’s maximum council tax reduction amount in respect of a day is 80 per cent of the amount A/B where—

(a) A is 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; and

(b) B is the number of days in that financial year,

(3) In calculating a person’s maximum council tax reduction under this scheme 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 (other than a reduction under this scheme), is to be taken into account.

(4) Subject to sub-paragraph (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, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(5) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(6) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.

(7) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

Non-dependant deductions: pensioners

30.—(1) Subject to the following provisions of this paragraph, for persons in classes A to C in this scheme the non-dependant deductions in respect of a day referred to in paragraph 29 are—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £12.20 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £4.00 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

(a) less than £207.70, the deduction to be made under this paragraph is that specified in subparagraph (1)(b);

(b) not less than £207.70 but less than £360.10, the deduction to be made under this paragraph is £8.10;

(c) not less than £360.10 but less than £447.40, the deduction to be made under this paragraph is £10.20.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

(a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 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.

(6) 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.

(7) 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; or

(e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.

(8) 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;

(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; or

(c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.

(9) 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, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and

(c) the payments set out in sub-paragraph (10).

(10) The payments mentioned in sub-paragraph (9) are—

(a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006);

(b) 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 paragraph (a) refers and which is made to or for the benefit of—

(i) 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;

(ii) 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

(iii) 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;

(c) 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 paragraph (a) refers and which is made to or for the benefit of—

(i) the person who is suffering from haemophilia or who is a qualifying person;

(ii) 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

(iii) 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;

(d) 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 paragraph (a) refers, where—

(i) 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

(ii) the payment is made either—

(aa) to that person's parent or step-parent, or

(bb) 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;

(e) 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 paragraph (a) refers, where—

(i) 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

(ii) the payment is made either—

(aa) to that person's parent or step-parent, or

(bb) 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 stepparent, to his guardian,

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

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

(g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

(11) An applicant, or as the case may be, his partner is blind or treated as blind for the purposes of sub-paragraph (6)(a) if the applicant or his partner is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(11A) For the purposes of sub-paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

(12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind for a period of 28 weeks following the date on which he ceased to be so registered.

(13) The reference in sub-paragraph (9)(b) 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

Non-dependant deductions: persons who are not pensioners

30A.—(1) Subject to the following provisions of this paragraph, for persons in classes D to E in this scheme the non-dependant deductions in respect of a day referred to in paragraph 29A are—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £20.00 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £6.00 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

(a) less than £207.70, the deduction to be made under this paragraph is that specified in subparagraph (1)(b);

(b) not less than £207.70 but less than £360.10, the deduction to be made under this paragraph is £9.00;

(c) not less than £360.10 but less than £447.40, the deduction to be made under this paragraph is £15.00.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

(a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 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.

(6) 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.

(7) 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; or

(e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.

(8) 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;

(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; or

(c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.

(9) 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).

(10) For the purposes of sub-paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

PART 8

Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Alternative maximum council tax reduction under this scheme: pensioners

31.—(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).

(2) Subject to sub-paragraph (3), 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, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

PART 9

Amount of reduction under this scheme

Amount of reduction under this scheme: Classes A to E

32.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is, subject to the provisions of Regulation 29A(1) (restriction to the level of Band D) as follows.

(2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.

(3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given in paragraph 14(f) or 17(f), as the case may be.

(4) Where the person is within class C, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.

(5) Sub-paragraph (6) applies where both—

(a) sub-paragraph (2) or sub-paragraph (3), and

(b) sub-paragraph (4),

apply to a person.

(6) The amount of the reduction to which the person is entitled is whichever is the greater of—

(a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and

(b) the amount of the reduction given by sub-paragraph (4).

PART 10

Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

CHAPTER 1

Income and capital: general

Calculation of income and capital: applicant's family and polygamous marriages

33.—(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.

(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.

(3) Except where paragraph 37 applies, 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.

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

34.—(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

(a) the applicant is a pensioner and is on a guarantee credit, or

(b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that nondependent and, in such a case, any income and capital which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

CHAPTER 2

Income and capital: pensioners in receipt of guarantee credit or savings credit

Applicant in receipt of guarantee credit: pensioners

35. In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant's income and capital in savings credit only cases: pensioners

36.—(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) 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);
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (5) This sub-paragraph applies if—
 - (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being

£16,000 or less;

(b) subsequent to that determination the applicant's capital rises to more than £16,000; and

(c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

CHAPTER 3

Income and capital where there is an award of universal credit

Calculation of income and capital: persons who are not pensioners who have an award of universal credit

37.—(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 amount 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.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with subparagraph (2) so far as necessary to take into account—

(a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);

(b) paragraph 34 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;

(c) 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).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) 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 the award of universal credit.

CHAPTER 4

Income: other pensioners

Calculation of income and capital where state pension credit is not payable: pensioners

38. Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

Meaning of “income”: pensioners

39.—(1) For the purposes of classes A to C in this scheme, “income” means income of any of the following descriptions—

(a) earnings;

(b) working tax credit;

(c) retirement pension income within the meaning of the State Pension Credit Act 2002;

(d) income from annuity contracts (other than retirement pension income);

(e) a war disablement pension or war widow's or widower's pension;

(f) a foreign war disablement pension or war widow's or widower's pension;

(g) a guaranteed income payment;

(h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;

(i) income from capital other than capital disregarded under Part 1 of Schedule 9;

(j) social security benefits, other than retirement pension income or any of the following benefits—

- (i) disability living allowance;
- (ii) personal independence payment;
- (iii) an AFIP;
- (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
- (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
- (vi) child benefit;
- (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
- (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
- (ix) any—
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) council tax benefit;
- (xiii) bereavement payment;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;

(xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);

(xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;

(xx) carer's allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018 (a)

(k) all foreign social security benefits which are similar to the social security benefits mentioned above;

(l) a payment made—

(i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or

(ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;

(m) a pension paid by a government to victims of National Socialist persecution

(n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979;

(o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—

(i) under a court order;

(ii) under an agreement for maintenance; or

(iii) voluntarily;

(p) payments due from any person in respect of board and lodging accommodation provided by the applicant;

(q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;

(r) 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;
 - (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
 - (t) any sum payable by way of pension out of money provided under—
 - (i) the Civil List Act 1837,
 - (ii) the Civil List Act 1937,
 - (iii) the Civil List Act 1952,
 - (iv) the Civil List Act 1972, or
 - (v) the Civil List Act 1975;
 - (u) any income in lieu of that specified in paragraphs (a) to (r);
 - (v) any payment of rent made to an applicant who—
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
 - (w) any payment made at regular intervals under an equity release scheme;
 - (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.
- (2) Where the payment of any social security benefit referred to in sub-paragraph (1) or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies (a) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit 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 sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with—

- (a) the Social Security (Overlapping Benefits) Regulations 1979;
 - (b) the Social Security (Hospital In-Patients) Regulations 1975;
 - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
 - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.
 - (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharers section 4 pension)(a);
 - (f) section 45B or 55B of the Social Security Contributions and benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing)(b)
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan—
- (a) made between a person ("the lender") and the applicant;
 - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
 - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

Calculation of weekly income: pensioners

40.—(1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—

- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
- (b) exceeds a week, the amount to be included in the applicant's weekly income is to 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 a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
 - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;

(iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Sub-paragraph (3) applies where—

(a) the applicant's regular pattern of work is such that he does not work the same hours every week; or

(b) the amount of the applicant's income fluctuates and has changed more than once.

(3) The weekly amount of that applicant's income is to be determined—

(a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or

(b) in any other case, on the basis of—

(i) the last two payments if those payments are one month or more apart;

(ii) the last four payments if the last two payments are less than one month apart; or

(iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.

(3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

(a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;

(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or

(c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub paragraphs (2) and (3) must be taken into account—

(a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter:

- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter,
- regardless of whether those earnings were actually received in that reduction week.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;

(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; and

(c) any payment which is made on an occasional basis.

(7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.

(9) The sums specified in Schedule 5 are to be disregarded in calculating—

(a) the applicant's earnings; and

(b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).

(10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.

(11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.

(12) Schedule 9 (capital disregards: pensioners) has effect so that—

(a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and

(b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

41.—(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner who is a pensioner, means 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;

(d) any holiday pay;

(e) any payment by way of a retainer;

(f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—

(i) travelling expenses incurred by the applicant between his home and place of employment;

(ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;

(g) 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;

(h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;

(i) statutory paternity pay payable under Part 12ZA of that Act;

(j) statutory adoption pay payable under Part 12ZB of that Act;

(k) any sums payable under a contract of service—

(i) for incapacity for work due to sickness or injury; or

(ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

(a) subject to sub-paragraph (3), any payment in kind;

(b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;

(c) any occupational pension;

(d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;

(e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;

(f) any payment in respect of expenses arising out of the applicant participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in subparagraph (1)(g).

Calculation of net earnings of employed earners: pensioners

42.—(1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) 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 SSCBA;

(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 sub-paragraph (4) 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, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from 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 SSCBA.

(3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to 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.

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are (personal allowances) appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this sub-paragraph is to 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 SSCBA 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.

Calculation of earnings of self-employed earners: pensioners

43.—(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—

(a) over a period of one year; or

(b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

Earnings of self-employers earners: pensioners

44.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) “Earnings” in the case of employment as a self-employed earner does not include—

(a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;

(b) any payment made by a local authority to an applicant—

(i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26 or 26A of the Children (Scotland) Act 1995; or

(ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;

(c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);

(d) 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—

(i) a local authority but excluding payments of housing benefit made in respect of the person concerned;

(ii) a voluntary organisation;

(iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;

(iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006

(v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 or;

(vi) the persons concerned where the payment is for the provision of accommodation to meet that person's needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult)(c);

(da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person ("A") which A passes on to the applicant where A-

(i) was formerly in the applicant's care;

(ii) is aged 16 or over; and

(iii) continues to live with the applicant;

(db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions)(d);

(e) any sports award.

Notional income: pensioners

45.—(1) An applicant who is a pensioner is to be treated as possessing—

(a) subject to sub-paragraph (2), the amount of any retirement pension income—

(i) for which no claim has been made; and

(ii) to which he might expect to be entitled if a claim for it were made;

(b) income from an occupational pension scheme which the applicant elected to defer.

(2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—

(a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;

- (b) a shared additional pension payable under section 55A of the SSCBA;
 - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the rate of the annuity which may have been purchased with the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.

(9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must 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 selects to apply, to the date on which the altered rate is to take effect.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—

(a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant’s income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and

(b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—

(a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and

(b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners

46.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made 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—

(a) 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;

(b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant participating as a service user.

CHAPTER 5

Income: persons who are not pensioners

Average weekly earnings of employed earners: persons who are not pensioners

47.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—

(a) over a period immediately preceding the reduction week in which the application 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 paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified in subparagraph (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 must be estimated by reference to those earnings;

(b) in any other case, the authority must estimate the applicant's average weekly earnings.

(3) Where the amount of an applicant's earnings changes the authority must 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 must not in any case exceed 52 weeks.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).

Average weekly earnings of self-employed earners: persons who are not pensioners

48.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must 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 must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

Average weekly income other than earnings: persons who are not pensioners

49.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

Calculation of weekly income of employed earners: persons who are not pensioners

50.—(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (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 is to be the amount of that payment;

(b) exceeds a week, the weekly amount is to 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.

(2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to 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.

Earnings of employed earners: persons who are not pensioners

51.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—

(a) any bonus or commission;

(b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;

(c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;

(d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;

(e) any payment by way of a retainer;

(f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—

(i) travelling expenses incurred by the applicant between his home and place of employment;

(ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;

(g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);

(h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);

(i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);

(j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;

(k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;

(l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include—

(a) subject to sub-paragraph (3), any payment in kind;

(b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;

(c) any occupational pension;

(d) any payment in respect of expenses arising out of the applicant participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in subparagraph (1)(l).

Calculation of net earnings of employed earners: persons who are not pensioners

52.—(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (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 SSCBA;

(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 sub-paragraph (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 from 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 SSCBA.

(4) In this paragraph "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to 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.

(6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to E), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to 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 SSCBA 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.

Earnings of self-employed earners: persons who are not pensioners

53.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 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 does it include any sports award.

(3) This paragraph applies to—

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or

(b) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982; or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant's earnings consist of any items to which sub-paragraph (3) applies, those earnings must 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 reduction under this scheme to which the applicant would have been entitled 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 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant's case.

Calculation of income other than earnings: persons who are not pensioners

54.—(1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).

(2) There is to be disregarded from the calculation of an applicant's gross income under subparagraph (1), any sum, where applicable, specified in Schedule 8.

(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 subparagraph (1) must be the gross amount payable.

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

(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 subparagraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) Sub-paragraphs (7) and (8) apply where—

(a) a relevant payment has been made to a person in an academic year; and

(b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) 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 subparagraph (1) in respect of a person to whom subparagraph (7) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

where—

(a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);

(b) 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) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

(d) D = the number of reduction weeks in the assessment period.

(8) 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 subparagraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students);

“assessment period” means—

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

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

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

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

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 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 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

(a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners

55.—(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £6,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

(5) Where an agreement or court order provides that payments must 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 by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners

56.—(1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.

(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 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);

(e) any sum to which paragraph 51(a) of Schedule 10 refers;

(f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;

(g) child tax credit;

(h) working tax credit, or

(i) any sum to which sub-paragraph (11) applies,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to 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.

(3) Any payment of income, other than a payment of income specified in sub-paragraph (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) must, 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) must, where it is not a payment referred to in 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) must 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.

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—

(a) under or by 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 Employment and Training Act 1973 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 1996;

(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 person's 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 sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must 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 selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where—

- (a) an 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 must 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.

(7) Sub-paragraph (6) does 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 1996, 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.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to 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 basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to 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 SSCBA 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.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

CHAPTER 6

Income: further provisions applying to pensioners and persons who are not pensioners

Calculation of income on a weekly basis

57.—(1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—

(a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;

(b) by adding to that amount the weekly income calculated, if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);

(c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that subparagraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

(a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-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.

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—

(a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;

(b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

58.—(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—

(a) is a lone parent and is engaged in remunerative work;

(b) is a member of a couple both of whom are engaged in remunerative work; or

(c) is a member of a couple where one member is engaged in remunerative work and the other—

(i) is incapacitated;

(ii) is an in-patient in hospital; or

(iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

(a) is paid statutory sick pay;

(b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;

(c) is paid an employment and support allowance;

(d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or

(e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

(a) the first day of the period in respect of which he was first paid statutory sick pay, short term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or

(b) the first day of the period in respect of which earnings are credited,

as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).

(6) The charges are paid by the applicant for care which is provided—

(a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or

(b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

(a) in respect of the child's compulsory education;

(b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or

(c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

(a) out of school hours, by a school on school premises or by a local authority—

(i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or

(ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or

(b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or

(c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or

(d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or

(e) by—

(i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or

(ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or

(f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or

(g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or

(h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or

(i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or

(j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or

(k) by a foster parent or kinship carer under the Fostering Services Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or

(l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations or by a person who is employed or engaged under a contract for services to provide care and support by the provider of a domiciliary support service within the meaning of part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(b); or

(m) by a person who is not a relative of the child wholly or mainly in the child’s home.

(9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

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

(11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—

(a) the applicant is a pensioner and the other member of the couple is aged not less than 80;

(b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—

(i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and

(ii) he satisfies that conditions or would satisfy it 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 SSCBA;

(c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;

(d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;

(e) the applicant's applicable amount would include the support component or the work related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013;

(f) he 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 SSCBA (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 must be treated as one continuous period;

(g) he is, 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 2008 or the Employment and Support Allowance Regulations 2013 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;

(h) there is payable in respect of him one or more of the following pensions or allowances—

(i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;

(ii) attendance allowance under section 64 of the SSCBA;

- (iii) severe disablement allowance under section 68 of the SSCBA;
- (iv) disability living allowance under section 71 of the SSCBA;
- (v) personal independence payment;
- (vi) an AFIP;
- (vii) increase of disablement pension under section 104 of the SSCBA;
- (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
- (ix) main phase employment and support allowance;
- (i) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and

Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.

(14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

(a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—

(i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(ii) an abatement as a consequence of hospitalisation;

(b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—

(a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

(a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant—

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit.

Calculation of average weekly income from tax credits

59.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(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.

(4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc.

60. In calculating the applicant’s income the 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 SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that 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 SSCBA;

(e) in the maximum rate of child tax credit or working tax credit,

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

Calculation of net profit of self-employed earners

61.—(1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must 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 who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—

(i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and

(ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;

(c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—

(i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and

(ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

(a) subject to sub-paragraphs (5) to (8), 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 SSCBA,

calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and

(c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (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) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.

(6) A deduction is to be made under sub-paragraph (3)(a) or (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; or

(b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(7) The authority must refuse to make a deduction in respect of any expenses under subparagraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(8) For the avoidance of doubt—

(a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;

(b) a deduction must 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.

(9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—

(a) an amount in respect of—

(i) income tax; and

(ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and

(b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(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 must not be offset against his earnings in any other of his employments.

(11) The amount in respect of any qualifying premium is to 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 paragraph the daily amount of the qualifying premium must be determined—

(a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing 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.

(12) In this paragraph, “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 application.

Calculation of deduction of tax and contributions of self-employed earners

62.—(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—

(a) on the basis of the amount of chargeable income, and

(b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the

applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of national insurance contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—

(a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA 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 that 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 must be reduced pro rata; and

(b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (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 must be reduced pro rata.

(4) In this paragraph "chargeable income" means—

(a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;

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

CHAPTER 7

Capital

Calculation of capital

63.—(1) The capital of an applicant to be taken into account must be, subject to subparagraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph

(1), any capital, where applicable, specified in—

(a) Schedule 9, in relation to pensioners;

(b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—

(a) child tax credit;

(b) working tax credit;

(c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners

64.—(1) This paragraph applies in relation to persons who are not pensioners.

(2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.

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

(4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.

(5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.

(6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.

(7) 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, is to be treated as capital.

(8) There is to 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.

(9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

65. Capital which an applicant possesses in the United Kingdom is to 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.

Calculation of capital outside the United Kingdom

66. Capital which an applicant possesses in a country outside the United Kingdom must 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.

Notional capital

67.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).

(2) A person who is a pensioner who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,

is to be regarded as not depriving himself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) 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 9; 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 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or

(f) any sum to which paragraph 51(a) of Schedule 10 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, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

(5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), 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) must, 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) must, where it is not a payment referred to in 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 the family) must 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.

(6) Sub-paragraph (5) does 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 Employment and Training Act 1973 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 1996;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or

(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

(c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

(d) in respect of a person's participation in the Mandatory Work Activity Scheme;

(e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

(f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(7) 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 must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and

(b) he must, subject to sub-paragraph (8), 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 Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(8) 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 sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule: pensioners

68.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(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 sub-paragraph (2) are satisfied; or

(ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

(b) in the case of a week in respect of which sub-paragraph (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 sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

(a) he is in receipt of a reduction under this scheme; and

(b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—

(a) an amount equal to the additional amount of the reduction in council tax to which subparagraph (2)(b) refers;

(b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);

(c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (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 reduction week to which sub-paragraph (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 reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—

(a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);

(b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation),

which includes the last day of the relevant week, the amount to which he would have been entitled;

(c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit 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;

(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 benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; 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 benefit 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.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

(a) dividing the relevant amount by the number equal to the number of days in that part week, and

(b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that subparagraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

(a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and

(b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

(a) a further application is made 26 or more weeks after—

(i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);

(ii) in a case where there has been at least one re-determination in accordance with subparagraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to a reduction under this scheme,

whichever last occurred; and

(b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must 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 must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

(a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;

(b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;

(c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—

(i) 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

(ii) any other period of less than a week for which it is payable;

“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 paragraph 67(1)—

(a) was first taken into account for the purpose of determining his entitlement to a reduction; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners

69.—(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(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 sub-paragraph (2) are satisfied; or

(ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—

(i) that week is a week subsequent to the relevant week; and
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(ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

(a) he is in receipt of a reduction in council tax under this scheme; and

(b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

(a) an amount equal to the additional amount of the reduction in council tax to which subparagraph (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 sub-paragraph (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 sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (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 sub-paragraph (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 the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

(a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);

(b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit 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;

(c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit 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;

(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 benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; 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 benefit 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.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

(a) dividing the relevant amount by the number equal to the number of days in that part week, and

(b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

(a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and

(b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

(a) a further application is made 26 or more weeks after—

(i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);

(ii) in a case where there has been at least one re-determination in accordance with subparagraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to a reduction under this scheme,

whichever last occurred; and

(b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (6) must 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 must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

(a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;

(b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;

(c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—

(i) 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

(ii) any other period of less than a week for which it is payable;

“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 paragraph 67(1)—

(a) was first taken into account for the purpose of determining his entitlement to a reduction; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

70. Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the

absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

71. The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of—

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

No tariff income from capital applies: persons who are not pensioners and capital does not exceed £6,000 or persons who are not pensioners and are in receipt of a qualifying income related benefit (pass-porting benefit)

PART 11

Students

CHAPTER 1

General

Interpretation

73.—(1) In this Part—

“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 is to 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 sections 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 considers that it is reasonable for the following persons to contribute towards the holder’s expenses—

(i) the holder of the allowance or bursary;

(ii) the holder’s parents;

(iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or

(iv) the holder’s spouse or civil partner;

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

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

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

“full-time course of study” means a full-time course of study which—

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

(b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

(i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or

(ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

(c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—

(i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or

(ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) 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, that 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 1996;

“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 includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must 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) subject to sub-paragraph (3), 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.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—

(a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a fulltime 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.

(4) In sub-paragraph (2), “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.

Treatment of students

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

Students who are excluded from entitlement to a reduction under this scheme

75.—(1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—

(a) full-time students, and

(b) students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1)(b) does not apply to a student—

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

(b) who is a lone parent;

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

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

(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 SSCBA (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 must 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 2008 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, or

(iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (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) of 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 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.

(3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(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 sub-paragraph must, 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.

(5) In sub-paragraph (2)(i) 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.

(6) A full-time student to whom sub-paragraph (2)(i) applies must 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.

(7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in subparagraph

(8) if—

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in subparagraph (8).

(8) The period specified for the purposes of sub-paragraph (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, whichever first occurs.

CHAPTER 2

Income

Calculation of grant income

76.—(1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must 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 the United Kingdom and there is no applicable amount in respect of him;

(f) intended to meet the cost of books and equipment;

(g) intended to meet travel expenses incurred as a result of his attendance on the course;

(h) intended for the child care costs of a child dependant;

(i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there must 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.

(4) There must 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.

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

(a) subject to sub-paragraph (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.

(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 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(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 sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must 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.

Calculation of covenant income where a contribution is assessed

77.—(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

must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(2) The weekly amount of the student's covenant must be determined—

(a) by dividing the amount of income which falls to be taken into account under subparagraph (1) by 52 or 53, whichever is reasonable in the circumstances; and

(b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

78.—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

(a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;

(b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;

(c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and

(d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(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 must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—

(a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and

(b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

79. No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

Other amounts to be disregarded

80.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

81.—(1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income—

(a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—

(i) except in a case where sub-paragraph (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, the 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 is to be apportioned equally between the weeks in the period—

(i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and

(ii) 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 authority, the longest of any vacation is taken and for the purposes of this paragraph, “quarter” has 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 is to be apportioned equally between the weeks in the period beginning with—

(i) except in a case where sub-paragraph (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 coincides 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 is to 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 £10 is to be disregarded.

(3) A student is to 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.

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—

(i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and

- (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
 - (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- (6) A 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.

Treatment of payments from access funds

82.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

(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,

must be disregarded as income to the extent of £20 per week.

(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 must be disregarded as income.

Disregard of contribution

83. 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 must be disregarded for the purposes of assessing that other partner's income.

Further disregard of student's income

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

Income treated as capital

85.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds 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, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

Disregard of changes occurring during summer vacation

86. In calculating a student's income the authority must 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.

PART 12

Extended reductions

CHAPTER 1

Extended reductions: pensioners

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

88.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is 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, those 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.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—

(a) the applicant ceased to be entitled to a reduction under this scheme 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 sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

89.—(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.

(2) For the purpose of sub-paragraph (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.

(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 who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

90.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

(a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C 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 reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or

(c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: pensioners

91.—(1) This paragraph applies—

(a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme 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.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

(a) the second authority; or

(b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

92.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction — movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners

93.—(1) This paragraph applies where—

(a) the applicant is entitled to a reduction under this scheme;

(b) sub-paragraph (2) is satisfied; and

(c) either—

(i) the applicant has attained the qualifying age for state pension credit; or

(ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

(a) the applicant's award of—

(i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or

(ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit; and

(b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

(a) the whole of the income and capital of the applicant is to be disregarded;

(b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—

(a) the applicant's council tax liability has increased; or

(b) a change in the deduction under paragraph 30 falls to be made.

CHAPTER 2

Extended reductions: persons who are not pensioners

Extended reductions: persons who are not pensioners

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

95.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to E is 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, those 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.

(2) For the purpose of sub-paragraph (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.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to E where—

(a) the applicant ceased to be entitled to a reduction under this scheme 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 sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support

(General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

96.—(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.

(2) For the purpose of sub-paragraph (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.

(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.

Amount of extended reduction: persons who are not pensioners

97.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

(a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to E 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 reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to E for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or

(c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to E, if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers: persons who are not pensioners

98.—(1) This paragraph applies—

(a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

(a) the second authority; or

(b) the mover directly.

Relationship between extended reduction and entitlement to a reduction by virtue of classes D to E

99.—(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

100.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to E is 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, those 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.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to E where—

(a) the applicant ceased to be entitled to a reduction under this scheme 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 sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

101.—(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.

(2) For the purpose of sub-paragraph (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.

(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 entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

102.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

(a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to E 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 reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to E for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or

(c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to E, if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners

103.—(1) This paragraph applies—

(a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded 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.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

(a) the second authority; or

(b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to E

104.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

CHAPTER 3

Extended reductions: movers in the authority's area

Extended reductions: applicant moving into the authority's area

105. Where—

(a) an application is made to the authority ("the current authority") for a reduction under this 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 this scheme by the amount of that extended reduction.

PART 13

When entitlement begins and change of circumstances

Date on which entitlement begins

106.—(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to a reduction under this scheme 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 application is made or is treated as made, he is so entitled from that reduction week.

Date on which change of circumstances is to take effect

107.—(1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme (“change of circumstances”), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), 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.

(4) 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 section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.

(5) 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.

(6) 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.

(7) 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 sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) 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 SSCBA, 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 takes 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.

(9) Without prejudice to sub-paragraph (8), 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.

(10) Sub-paragraph (11) applies if either—

(i) a non-dependant took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—

(i) the date on which the applicant's entitlement to a reduction under this scheme first began; or

(ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Change of circumstances where state pension credit in payment

108.—(1) Sub-paragraphs (2) and (3) apply where—

(a) the applicant is in receipt of state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

(a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or

(b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

(i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or

(ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant’s state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—

(a) in a case where the applicant’s state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or

(b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—

(i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or

(ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

(a) the authority receives notification from the Secretary of State of the award of state pension credit; or

(b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

(a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and

(b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—

(a) the authority or a person—

(i) authorised to carry out any function of the authority relating to this scheme; or

(ii) providing services relating to this scheme directly or indirectly to the authority; or

(b) an officer of—

(i) the Department for Work and Pensions; or

(ii) the Commissioners of Inland Revenue,

acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

PART 14

Applications (including duties to notify authority of change of circumstances)

Making an application

109.—(1) In the case of—

(a) a couple or (subject to paragraph (b)) 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; or

(b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(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.

(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 this scheme and to receive and deal on his behalf with any sums payable to him.

(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).

(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 must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by this 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.

(7) The authority must—

(a) inform any person making an application of the duty imposed by paragraph 115(1)(a);

(b) explain the possible consequences (including prosecution) of failing to comply with that duty; and

(c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

Date on which an application is made

110.—(1) Subject to sub-paragraph (7), the date on which an application is made is—

(a) in a case where—

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

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

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

(b) in a case where—

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,
- the date on which the change takes place;

(c) in a case where—

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
- the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where—

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,
- the date on which the change takes place;

(e) in a case where—

- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
 - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,
- the date of the death or separation;

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

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

(2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(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.

(5) The conditions are that—

(a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—

(i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,

or, in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(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 this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(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 this 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 this 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.

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

Back-dating of applications: pensioners

111.—(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Back-dating of applications: persons who are not pensioners

112.—(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 (2).

(2) That date is the latest of—

(a) the first day from which the applicant had continuous good cause;

(b) the day 6 months before the date the application was made;

(c) the day 6 months before the date when the applicant requested that the application should include a past period.

Information and evidence

113.—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this 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.

(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.

(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.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this 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 the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

(5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

(6) Where a request is made under sub-paragraph (4), the authority must—

(a) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (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 115, 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 is to be notified.

(7) This sub-paragraph applies to any of the following payments—

(a) a payment which is—

(i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or

(ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

(b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

(c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).

(8) Where an applicant or a person to whom a reduction under this 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.

Amendment and withdrawal of application

114.—(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.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(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.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(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.

Duty to notify changes of circumstances

115.—(1) Subject to sub-paragraphs (3) and (9), the 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 this scheme) including at any time while the applicant is in receipt of such a reduction.

(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 this 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 or for the purposes of Part 1 of Schedule 1 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.

(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 this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

(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.

(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.

(6) The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.

(7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—

(a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;

(b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—

(a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;

(b) any change in the amount of the applicant’s capital to be taken into account which does or may take the amount of his capital to more than £16,000;

(c) any change in the income or capital of—

(i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependant is to be treated as applicant’s); or

(ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 15

Decisions by authority

Decision by authority

116. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

117.—(1) The authority must notify in writing any person affected by a decision made by it under this 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.

(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 115(1)(b);

(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.

(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.

(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 this scheme relating to the procedure for making an appeal.

(5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request

in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(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.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(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

(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 under paragraph 109(3).

PART 16

Circumstances in which a payment may be made

Payment where there is joint and several liability

118.—(1) Where—

(a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a 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 refers would be inappropriate,

it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(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.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

SCHEDULES

SCHEDULE 1

Procedural matters

PART 1

Procedure for an application for a reduction under this scheme

Procedure by which a person may apply for a reduction under this scheme

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.

2. An application may be made—

(a) in writing,

(b) by means of an electronic communication in accordance with Part 4 of this Schedule, or

(c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

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.

4. 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 supplied 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 completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

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.

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.

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.

PART 2

Procedure for making an appeal

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

8. A person who is aggrieved by a decision of the authority which affects—

(a) the person's entitlement to a reduction under this scheme, or

(b) the amount of any reduction under this scheme,

may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

9. The authority must—

(a) consider the matter to which the notice relates;

(b) notify the aggrieved person in writing—

- (i) that the ground is not well founded, giving reasons for that belief; or
- (ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

PART 3

Procedure for applying for a discretionary reduction

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

11.—(1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—

- (a) in writing;
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
- (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.

(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 this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4

Electronic communication

Interpretation

12. In this Part—

“information” includes an application, certificate, notice or other evidence;

“official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

Conditions for the use of electronic communication

13.—(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.

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

(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.

(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.

(5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.

(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.

(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.

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

Use of intermediaries

14. 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.

Effect of delivering information by means of electronic communication

15.—(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 this scheme, on the day the conditions imposed—

(a) by this Part; and

(b) by or under an enactment,

are satisfied.

(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).

(3) Information must 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.

Proof of identity of sender or recipient of information

16. 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.

Proof of delivery of information

17.—(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 must be 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.

(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 must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(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 must be presumed to be that recorded on an official computer system.

Proof of content of information

18. 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 must be presumed to be that recorded on an official computer system.

SCHEDULE 2

Applicable amounts: pensioners

PART 1

Personal allowances

Personal allowance

1. The amount specified for the purposes of paragraph 6(1)(a) of Schedule 1 is—

- (a) prior to 6th December 2018, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that table;
- (b) on or after 6th December 2018, the amount specified in column (2) of Table 2 below in respect of each person or couple referred to in column (1) of that Table

Table 1

Column (1)

Person, couple or polygamous marriage

Column (2)

Amount

(1) Single applicant or lone parent—

(a) aged under 65;

(b) aged 65 or over.

(a) £167.25;

(b) £181.00.

(2) Couple—

(a) both members aged under 65;

(b) one or both members aged 65 or over.

(a) £255.25;

(b) £270.60.

(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65—

(a) for the applicant and the other party to the marriage;

(b) for each additional spouse who is a member of the same

(a) £255.25;

household as the applicant. (b) £88.00.

(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—
 (a) for the applicant and the other party to the marriage; (a) £270.60;
 (b) for each additional spouse who is a member of the same household as the applicant. (b) £89.60.

Table 2

Column (1) Person, couple or polygamous marriage	Column (2) Amount
(1) Single applicant or lone parent who has attained Pensionable age	£181.00
(2) Couple and one or both members have attained Pensionable age	£270.60
(3) If the applicant is a member of a polygamous marriage And one or more members of the marriage have attained Pensionable age-	
(a) for the applicant and the other party to the marriage	(a) £270.60
(b) for each additional spouse who is a member of the Same household as the applicant	(b) £89.60

Child or young person amounts

2.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

Column (1) Child or young person	Column (2) Amount
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £66.90;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £66.90.

(2) In column (1) of the table “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

Family premium

3. The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

- (a) is £17.45 in respect of a reduction week which begins in the period beginning with 1st April 2016 and ending with 30th April 2016;
- (b) is nil in respect of a reduction week which begins after 1st May 2016

PART 3

Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 25(1)(d), applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

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

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

Severe disability premium

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulations 29 of the Universal Credit Regulations 2013(5) in respect of caring for him;

(b) in the case of an applicant who has a partner—

(i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and

(iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act

1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

(a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;

(c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b)—

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) references to a person being in receipt of a carer's allowance or having an award of universal credit which includes the carer element include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

Enhanced disability premium

7.—(1) The condition is that—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or

(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

(a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or

(b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or

(c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

9.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

(a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);

(b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Person in receipt of benefit

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

PART 4

Amounts of premium specified in Part 3

12.—(1) Severe Disability Premium—

Provision

Amount

(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £65.85;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	
(i) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal credit Regulations 2013	(i) £65.85
or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	
(ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	(ii) £131.70.
(2) Enhanced disability premium.	(2) £26.04 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £64.19 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £36.85 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3

Applicable amounts: persons who are not pensioners

PART 1

Personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 26(1)(a) and 27(1)(a) and (b)—

<i>Column (1)</i> <i>Person or couple</i>	<i>Column (2)</i> <i>Amount</i>
(1) A single applicant who—	
(a) is entitled to main phase employment and support allowance;	(a) £73.10;
(b) is aged not less than 25;	(b) £73.10;
(c) is aged not less than 18 but less than 25.	(c) £57.90.
(2) Lone parent.	(2) £73.10.
(3) Couple.	(3) £114.85.

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

- (a) paragraph 18 is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

3.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 26(1)(b) and 27(1)(c)—

<i>Column (1)</i> <i>Child or Young person</i>	<i>Column (2)</i> <i>Amount</i>
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £66.90;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £66.90.

(2) In column (1) of the table in sub-paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

4.—(1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person is—

(a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20;

(b) in any other case, £17.45.

(2) The amount in sub-paragraph (1)(a) is applicable to a lone parent—

(a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or

(b) on becoming entitled to council tax benefit where that lone parent—

(i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and

(ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—

(a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to

(i) council tax benefit (in relation to the period prior to 1st April 2013), and
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(ii) a reduction under this scheme (in relation to the period commencing on 1st April 2013);

(b) the applicant has not ceased to be a lone parent;

(c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;

(d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income

support, an income-based jobseeker's allowance or an income-related employment and support allowance; and

(e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—

(a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or

(b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

PART 3

Premiums

5. Except as provided in paragraph 6, the premiums specified in Part 4 are, for the purposes of paragraphs 26(1)(d) and 27(1)(e) (premiums), applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 in respect of that premium.

6. Subject to paragraph 7, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is applicable to him and, if they are different amounts, the higher or highest amount applies.

7. The following premiums, namely—

(a) a severe disability premium to which paragraph 11 applies;

(b) an enhanced disability premium to which paragraph 12 applies;

(c) a disabled child premium to which paragraph 13 applies; and

(d) a carer premium to which paragraph 14 applies,

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

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

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9. The condition is that—

(a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 is satisfied; or

(b) where the applicant has a partner, either—

(i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or

(ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

Additional condition for the disability premium

10.—(1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either—

(a) the applicant or, as the case may be, his partner—

(i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement

allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

(ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant remained continuously entitled to—

(aa) council tax benefit (in relation to the period prior to 1st April 2013, and

(bb) a reduction under this scheme (in relation to the period commencing on 1st April 2013), and

if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

(iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

(iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

(v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or

(vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972; or

(vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for him;

(b) in the case of an applicant who has a partner—

(i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and

(iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in

respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

Enhanced disability premium

12.—(1) Subject to sub-paragraph (2), the condition is that—

(a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or

(b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

(c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

(a) an applicant who—

(i) is not a member of a couple or a polygamous marriage; and

(ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or

(b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

Disabled child premium

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

(a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or

(b) is blind or treated as blind within the meaning of paragraph 10; or

(c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

14.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer premium is awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

(a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;

(b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, any concessionary payment made to compensate that

person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

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

PART 4

Amounts of Premiums Specified in Part 3

17.—(1) Disability Premium—

Premium

Amount

(a) where the applicant satisfies the condition in paragraph 9(a);

(a) £34.35;

(b) where the applicant satisfies the condition in paragraph 9(b).

(b) £48.95.

(2) Severe Disability Premium—

(a) where the applicant satisfies the condition in paragraph 11(2)(a);

(a) £65.85;

(b) where the applicant satisfies the condition in paragraph 11(2)(b)—

(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);

(b)(i) £65.85

(ii) in a case where there is no-one in receipt of such an allowance.

(b)(ii) £131.70

(3) Disabled Child Premium.

(3) £64.19 in respect of each child or young person in respect of whom the condition specified in paragraph 13 is satisfied.

(4) Carer Premium.

(4) £36.85 in respect of each person who satisfies the condition specified in paragraph 14.

(5) Enhanced disability premium

(5)

(a) £26.04 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;

(b) £16.80 in respect of each person who is neither—

(i) a child or young person; nor

(ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 12 are satisfied;

(c) £24.10 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.

PART 5

The components

18. Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if—

(a) the applicant or the applicant's partner has made a claim for employment and support allowance;

(b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and

(c) either—

(i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or

(ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

20.—(1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.

(2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6

Amount of Components

23. The amount of the work-related activity component is £29.05.

24. The amount of the support component is £38.55.

PART 7

Transitional Addition

25.—(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

(a) is entitled to a converted employment and support allowance; or

(b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—

(i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and

(ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

(a) the reduction of the transitional addition to nil in accordance with paragraph 29;

(b) the termination of the applicant's award of reduction under this scheme;

(c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;

(d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;

(e) 5th April 2020.

26.—(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—

(i) paragraph 25(2)(b);

(ii) sub-paragraph (3)(b); or

(iii) paragraph 27(3)(b);

(b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;

(c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and

(d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

27.—(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;

(d) 5th April 2020.

PART 8

Amount of Transitional Addition

28.—(1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person—

(a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and

(b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

(a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and

(b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).

29.—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition

that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 4

Amount of alternative maximum council tax reduction: pensioners

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 31 (alternative maximum council tax reduction: pensioners) is determined in accordance with the following Table and in this Table (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) (class C) applies.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

(a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and

(b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1)
Second adult

(2)
Alternative maximum council tax reduction

(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;

(a) 25 per cent of the council tax due in respect of that day;

(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an

income-based jobseeker's allowance—

- | | |
|---|--|
| (i) is less than £206.00 per week; | (i) 15 per cent of the council tax due in respect of that day; |
| (ii) is not less than £206.00 per week but less than £266.00 per week; | (ii) 7.5 per cent of the council tax due in respect of that day; |
| (c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance. | (c) 100 per cent of the council tax due in respect of that day. |

2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income—

- (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies trust, the We Love Manchester Emergency Fund 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).

3. Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income must be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 5

Sums disregarded from applicant's earnings: pensioners

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—

(a) £25 in the case of a lone parent;

(b) £20 in any other case.

2. In a case where an applicant is a lone parent, £25 of earnings.

3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

(a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

(b) as a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;

(c) as an auxiliary coastguard in respect of coast rescue activities;

(d) in the manning or launching of a lifeboat if the employment is part-time;

(e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If—

(a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and

(b) either of them has, or both of them have, other earnings,

so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4.—(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

5.—(1) £20 is disregarded if the applicant or, if he has a partner, his partner—

(a) is in receipt of—

- (i) long-term incapacity benefit under section 30A of the SSCBA;
- (ii) severe disablement allowance under section 68 of that Act;
- (iii) attendance allowance under sections 64 of that Act;
- (iv) disability living allowance;
- (v) personal independence payment;
- (vi) an AFIP;
- (vii) 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;
- (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
- (ix) main phase employment and support allowance; or

(b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;
- (ii) in any other case, 364 days; or

(d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—

- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or

(ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

(a) £20 was disregarded in respect of earnings taken into account in that award; and

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

(a) entitlement to housing benefit; or

(b) receipt of a reduction under a council tax reduction scheme; or

(c) employment, following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6.—(1) Where—

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one

member of a couple (“A”) it does not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A’s earnings are less than the specified amount, there is also to be disregarded so much of B’s earnings as would not when aggregated with A’s earnings exceed the specified amount; but the amount of B’s earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance;

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) “Exempt work” means work of the kind described in—

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013 ; or (as the case may be); or

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.

8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 is to be disregarded if an applicant who has no partner has earnings;

(b) £10 is to be disregarded if an applicant who has a partner has earnings.

9. Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.

10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant—

(i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) if he is a member of a couple—

(aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his family includes at least one child or young person; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) any amount disregarded under this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 57(1)(c) (deductions from income of certain child care charges); and

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

SCHEDULE 6

Amounts to be disregarded in the calculation of income other than earnings: pensioners

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, the whole amount of any of the following—

- (a) a war disablement pension (including any such a pension that falls to be disregarded under paragraph 2 or 3);
- (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 and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (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) a pension paid by a government to victims of National Socialist persecution

2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—

- (a) the applicant's need for constant attendance;
- (b) the applicant's exceptionally severe disablement.

3. 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.

4. 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.

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

6.—(1) Any payment which is—

(a) made under any of the Dispensing Instruments to a widow, widower or 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

(b) 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).

7. £15 of any widowed parent’s allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother’s allowance to which the applicant is entitled under section 37 of the SSCBA.

9. 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 whom 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, 100 per cent. of such payments; or

(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10. If the applicant—

(a) owns the freehold or leasehold interest in any property or is a tenant of any property; and

(b) occupies a part of that property; and

(c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—

(i) the amount paid by that person is less than £20 per week, the whole of that amount; or

(ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

(a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;

(b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or if it was higher at the time, pensionable age;

(c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;

(d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and

(e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

(i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;

(ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

(a) obtaining food, ordinary clothing or footwear or household fuel;

(b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;

(c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

(a) if the payment is less than £20, the whole payment;

(b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or

(c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—

(i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;

(ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. 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, 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.

19.—(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 bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in subparagraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

(a) the weekly amount of the payments; or

(b) £57.90,

whichever is less.

20.—(1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22. Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

23. Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

24. 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.

SCHEDULE 7

Sums disregarded in the calculation of earnings: persons who are not pensioners

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

(a) where—

(i) the employment has been terminated because of retirement; and

(ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—

(i) any payment of the nature described in—

(aa) paragraph 51(1)(e) (retainer), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in—

(aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or

(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme—

(i) the employment has not been terminated, but

(ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

(i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);

(ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that

employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4.—(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where—

(a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and

(b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5. In a case where the applicant is a lone parent, £25.

6.—(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

(a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;

(b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

9.—(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—

(a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

(b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;

(c) an auxiliary coastguard in respect of coast rescue activities;

(d) a person engaged part-time in the manning or launching of a life boat;

(e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment—

(a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;

(b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12.—(1) Where—

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 14 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance; or

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013 ; or (as the case may be)

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

13. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

14. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

15. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17. Any earnings of a child or young person.

18.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant—

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and—

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—

(aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or

(c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) the amount calculated as disregardable from the applicant's earnings under paragraphs 4 to 12;

(b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19. In this Schedule "part-time employment" means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 8

Sums disregarded in the calculation of income other than earnings:
persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.

- 2.** 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.
- 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.
- 4.** Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
- 5.** 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) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
- 6.** Any payment in respect of expenses arising out of the applicant participating as a service user.
- 7.** 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.
- 8.** 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.
- 9.** 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.
- 10.** 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.
- 11.** Any disability living allowance, personal independence payment or an AFIP.
- 12.** Any concessionary payment made to compensate for the non-payment of—
 - (a) any payment specified in paragraph 11 or 14;
 - (b) income support;

- (c) an income-based jobseeker's allowance;
- (d) an income-related employment and support allowance.

13. 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.

14. Any attendance allowance.

15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

16.—(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 the Welsh Ministers 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

(c) 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).

17. 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.

18.—(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 Employment and Training Act 1973 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.

19.—(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 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 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) does 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.

20. Subject to paragraph 40, the whole amount of any of the following, namely—

(a) a war disablement pension (including any such pension that falls to be disregarded under paragraph 13 or 14);

(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 and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;

(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 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.

21. Subject to paragraph 40, £15 of any—

(a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;

(b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-

paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 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) (interpretation) applies to subparagraph (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”.

23. 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, 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.

24.—(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 bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student’s maintenance, other than a parental contribution falling within paragraph 23, an

amount specified in subparagraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must 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.

25. Any payment made to the applicant by a child or young person or a non-dependant.

26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—

(a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or

(b) where the aggregate of any such payments is £20 or more per week, £20.

27. 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, 100 per cent of such payments;

(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28.—(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 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.

29. 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.

30.—(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 (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);

(b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);

(c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);

(d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (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.

31. 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).

32. 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 11 of the National Health Service (Wales) Act 2006.

33. 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).

34.—(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.

35.—(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) is only to 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, (1)(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).

36. Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37. Any—

(a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or

(b) occasional assistance.

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

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 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must 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 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 subparagraph (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 benefit a 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 is to 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.

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 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 an applicant's applicable amount includes an amount by way of 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 must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in subparagraph (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 sub-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 Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that 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 (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 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

(b) 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 benefit to which the applicant is entitled.

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

59. 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).

60.—(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) applies only in respect of payments which are paid to that person from the special account.

61.—(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.

62. 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.

63. 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.

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

65.—(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.

66. Any payment of child benefit.

SCHEDULE 9

Capital disregards: pensioners

PART 1

Capital to be disregarded

1. 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.

2. 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.

3. 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.

4. Any premises occupied in whole or in part—

(a) by a person who is a relative of the applicant or his partner 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 does 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. 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.

6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a 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.

7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in 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.

8. All personal possessions.

9. 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 those assets.

10. The assets of any business owned in whole or in part by the applicant if—

(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 reengaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is 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.

11. The surrender value of any policy of life insurance.

12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—

(a) the applicant makes one or more payments to another person (“the provider”);

(b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and

(c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment 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, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

(a) a diagnosed person;

(b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or

(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.

(2) Where a trust payment is made to—

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies 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 applies for the period beginning on the date on which the trust payment is made and ending two years after that date.

(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 an applicant's partner who is—

(a) the diagnosed person;

(b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or

(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.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

(a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

(a) being the diagnosed person's partner;

(b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes 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 or an independent hospital.

(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 Creutzfeldt-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 Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

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

16.—(1) Any payment made under or by—

(a) 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, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or

(b) 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 and which is made to or for the benefit of that person’s partner or former partner—

(a) from whom he is not, or where that person has died was not, estranged or divorced, or

(b) 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.

(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 which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) 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.

(5) 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, 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 who is or had been a member of that person’s household; 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 or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

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

(6) 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, 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 who was or had been a member of his household; 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 or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

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

(7) In the case of a person to whom or for whose benefit a 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.

16A Any payment made under, or by a trust which is approved by the secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.—(1) Subject to paragraph 22 any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;
- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001;
- (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 1 of Regulation 39).

(2) In sub-paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the Act;
- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;

- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (n) working tax credit;
- (o) income-related employment and support allowance;
- (p) social fund payments under Part 8 of the SSCBA; or
- (q) universal credit.

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error or an error on a point of law relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to a reduction under this scheme.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013;

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) has effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

(a) the award of a reduction under the authority’s scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and

(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—

(i) is the person who received the relevant sum;

(ii) is the partner of that person; or

(iii) was the partner of that person at the date of his death;

“official error”—

(a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and

(b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which the application for a reduction under this scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and

“the relevant sum” means the total amount referred to in sub-paragraph (1).

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.

27.—(1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;

(b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29. Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments);

(b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for Health care);

(d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or

(e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments).

29A. A payment made under the Age-Related Payments Regulations 2013.

29B. Any payments to an applicant made under section 49 of the Children & Families Act 2014(6) (personal budgets and direct payments) or by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)

29C. (1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) (a).

- (2) Any payment or part of a payment made by a local authority in accordance with that section to a person ("A") which A passes on to the applicant where A-
- (a) was formerly in the applicants care;
 - (b) is aged 16 or over; and
 - (c) continues to live with the applicant

PART 2

Capital disregarded only for the purposes of determining deemed income

- 30.** The value of the right to receive any income under a life interest or from a life rent.
- 31.** 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.
- 32.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 33.** Where property is held under a trust, other than—
- (a) a charitable trust within the meaning of the Charities Act 1993; or
 - (b) a trust set up with any payment to which paragraph 16 applies, and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

SCHEDULE 10

Capital disregards: persons who are not pensioners

- 1.** Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- 2.** 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.
- 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 but only for 52 weeks beginning with the date of receipt of the payment.
- 4.** 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, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

5. 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.

6. 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.

7. 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 does 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.

8. 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.

9. 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.

10. 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.

11.—(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 application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or reengaged 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.

12.—(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (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;
- (g) universal credit,

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 Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and

(b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has 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 period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” 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.

13. 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.

14. Any sum—

(a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 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.

15. 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 a reduction under this scheme or to increase the amount of that reduction.

16. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17. 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.

18.—(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).

19. The value of the right to receive any income under a life interest or from a life rent.

20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21. The surrender value of any policy of life insurance.

22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23. 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).

24.—(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.

25. Any—

(a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or

(b) occasional assistance.

26. 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.

27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28. 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.

29.—(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, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief 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 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) Sub-paragraph (3) does not apply if—

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) 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.

(5) 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.

(6) 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 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.

(7) In the case of a person to whom or for whose benefit a 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.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to 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.

30.—(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.

31. 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.

32. 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.

33. 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.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

37. 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.

38. 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).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 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.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. 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.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—

(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. 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.

45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. 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.

47. 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.

48. 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.

49. Paragraph deleted

50.—(1) Any sum of capital to which sub-paragraph (2) applies and—

(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;

(b) which can only be disposed of by order or direction of any such court; or

(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

(a) an award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51. 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.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. 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.

54.—(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.

55.—(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 the Welsh Ministers 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

(c) 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).

56. 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.

57. 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.

58. 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 internment 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.

59.—(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 applies 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 applies 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 applies 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 applies 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 applies 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 applies 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 includes 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.

60. 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.

61.—(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.

62. 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 sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

64. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

Part 17 Transitional Provisions

Transitional provisions for restrictions on amounts for children and young persons

17.- (1) This regulation applies where-

(a) on 31st March 2018, a person 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 Local Government finance Act 1992 ("a section 13A(2)scheme") and

(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual")

(2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until-

(a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or

(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where-

(a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A (2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) paragraph (6) applies where-

(a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where-

(a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;

(b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and

(c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be-

(a) the child amount in relation to the protected individual; and

(b) a child amount in relation to such one of the new individuals as will result in the greatest total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation-

(a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulation 2012;

(b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;

(c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;

(d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6 (1C) of that Schedule);

(e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(f) "new individual" means a child or young person who is not a protected individual;

(g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any)

(h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

FULL COUNCIL, 23 JANUARY 2019

REPORT OF GOVERNANCE COMMITTEE

REVIEW OF COUNCIL PROCEDURE RULES

Governance Committee, at its meeting on 9 January 2019 considered a report reviewing the operation of meetings of Full Council. The report (attached) proposes a number of changes to the Council's Constitution in order to facilitate the efficient and effective conduct of business at meetings of Full Council.

A number of amendments were dismissed by the committee during its consideration of the report. These included:

- Meeting start times of 7:15pm;
- A question from each of the opposition groups to the Leader of the Council in response to his annual statement or announcements at ordinary meetings;
- Deletion of the comfort break;
- Revision of debate times for movers of a motion or amendment to a motion to 8 minutes instead of 5 minutes as proposed in the report;
- The Leader of the Opposition retaining a right of reply for consideration of motions.

The report as presented was agreed by Governance Committee and accordingly recommends to Full Council that:

- 1. (a) The number of ordinary meetings of Council be reduced from 7 to 6 so that the pattern of meetings be:**
 - a. January**
 - b. February (Council Tax and budget)**
 - c. March**
 - d. May (the Annual Meeting)**
 - e. July**
 - f. September**
 - g. November**
- (b) The Leader's statement is to take place at the annual meeting (May), without any subsequent debate**
- (c) Consideration of Council questions (to remain at 15 allocated proportionately amongst opposition groups) will be limited to 45 minutes in duration.**
- (d) Consideration of motions will be limited to 75 minutes in duration (or such lesser time before the three hour meeting duration time permits).**

(e) Any motions or amendments not finished in the time available, either for the duration of the meeting or in the time available for that item, will be dealt with by vote only.

(f) Rules of debate will be a single debate procedure in the following format (with the intermediate debate procedure being deleted):

- five minutes for a mover of a motion or an amendment or an amendment to a report**
- three minutes for other speeches in any debate**

Rights of reply (up to three minutes) may be exercised in the following order:

- The Leader of the Group by which any motion, recommendation or amendment was proposed or, if the mover is not a member of a Group, that Member.**
- Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.**
- The Leader of the Council**

(g) Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm whichever is earlier) provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without debate.

(h) If there are motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover with the agreement of members) by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

2 To RECOMMEND that any changes to the council procedure rules commence with the 2019 Annual Meeting of Full Council.

3. To RECOMMEND to Council that the Monitoring Officer be authorised to amend the Constitution in accordance with Appendix C of the report.

GOVERNANCE COMMITTEE

Subject Heading:	Revisions to Council Procedure Rules
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Kathryn Robinson The Council's Monitoring Officer kathryn.robinson@onesource.co.uk
Policy context:	Council Constitution
Financial summary:	There are no direct financial implications arising from the report

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

SUMMARY

At its meeting in March 2018 Full Council resolved to review the operation of its meetings. It delegated responsibility for that review to the Governance Committee.

Governance Committee will be asked to recommend its preferred changes to the council meeting procedure rules, with the final decision resting with all members at a meeting of Full Council.

There are few legal or other requirements relating to the conduct and business of Full Council, and so while there are common themes and similar content in Council Procedure Rules across the London Boroughs and within other Principal Councils, the format is largely a matter of local choice for members to decide and accordingly this report does not set out any officer recommendations.

The proposals set out in this report for discussion by Governance Committee are those of the Administration after considering the views of all the Group Leaders. Group Leaders met individually with the Council Leader and the Monitoring Officer to share their thoughts on how meetings of Full Council should operate. There are any number of different ways in which the procedure rules can be altered, it is fair to say there were as many views on options as there are Group Leaders and there was no consensus that any particular aspect be changed.

The proposals put forward are those aimed at improving the efficient and effective conduct of business transacted at meetings of Full Council within the time available.

In addition to the substantive changes there are a number of minor amendments which seek to simplify the understanding and interpretation of the procedure rules, the result of which will assist in the smooth running of Full Council meetings.

RECOMMENDATIONS

- 1 To RECOMMEND to Council that, in the interests of good governance and the efficient and effective conduct of business:
 - (a) The number of ordinary meetings of Council be reduced from 7 to 6 so that the pattern of meetings be:
 - a. January
 - b. February (Council Tax and budget)
 - c. March
 - d. May (the Annual Meeting)
 - e. July
 - f. September
 - g. November
 - (b) The Leader's statement is to take place at the annual meeting (May), without any subsequent debate
 - (c) Consideration of Council questions (to remain at 15 allocated proportionately amongst opposition groups) will be limited to 45 minutes in duration.
 - (d) Consideration of motions will be limited to 75 minutes in duration (or such lesser time before the three hour meeting duration time permits).
 - (e) Any motions or amendments not finished in the time available, either for the duration of the meeting or in the time available for that item, will be dealt with by vote only.
 - (f) Rules of debate will be a single debate procedure in the following format (with the intermediate debate procedure being deleted):

- five minutes for a mover of a motion or an amendment or an amendment to a report
- three minutes for other speeches in any debate

Rights of reply (up to three minutes) may be exercised in the following order:

- The Leader of the Group by which any motion, recommendation or amendment was proposed or, if the mover is not a member of a Group, that Member.
 - Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.
 - The Leader of the Council
- (g) Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm whichever is earlier) provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without debate.
- (h) If there are motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover with the agreement of members) by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

- 2 To RECOMMEND that any changes to the council procedure rules commence with the 2019 Annual Meeting of Full Council.
3. To RECOMMEND to Council that the Monitoring Officer be authorised to amend the Constitution in accordance with Appendix C

<p>REPORT DETAIL</p>

BACKGROUND

- 1 For the purposes of this report “Council” means the meeting presided over by the Mayor to which all Members are summoned. It is sometimes also referred to as “Full Council” in order to avoid confusion with other uses of the word “Council”. There are very few legal requirements and constraints on the formatting of Council meetings The Local Government Act 1972 (“the Act”) governs meetings of full Council. It requires that there be an Annual Meeting and such other meetings as are needed: in order to comply with the legislation relating to the budget and Council Tax, there must also be a meeting at which the Council Tax and budget for the following year are set. The arrangements also need to provide for certain reports and decisions to be

made where those decisions are reserved to Full Council, for example agreeing the Constitution.

- 3 It has become customary for the Council to hold six other meetings, termed “ordinary meetings”, in the course of the year at roughly two monthly intervals (August aside) and other meetings, termed “extraordinary meetings” are occasionally called.
- 4 Council meetings (other than the Council Tax/Budget meeting and the Annual Meeting) are generally divisible into four parts:
 - standard business (such as apologies, minutes and announcements)
 - consideration of reports and recommendations from Cabinet, Committees and statutory officers
 - dealing with Members’ Questions
 - debating motions

Meeting arrangements (the guillotine)

- 5 Council meetings customarily end at or about 10.30pm, the procedure being that once a meeting has lasted for three hours, from its starting time, unless some other arrangement is agreed at the meeting, the business then in hand will continue until finished and any other business then remaining will (unless withdrawn) be dealt with without debate and by vote only. Only very occasionally have Council meetings concluded in the time available, often to the frustration of those Members/Groups who have submitted items for debate only for such matters to go vote only or be carried over for consideration at the next Council meeting a couple of months later.

Members’ questions

- 6 Council questions has become a staple of Full Council meetings with many changes over the years concerning its operation. The Rules provide that questions must relate to the business of the Council.
- 7 For many years, a time restriction of 30 minutes was imposed which was considered adequate given the number of questions being submitted. However, the number of questions submitted was regularly in excess of 20 with the 30 minute time restriction considered insufficient for them all to be dealt with. The 30 minute time limitation was therefore removed and a maximum number of questions (15) introduced. Those questions are allocated proportionately to the size of opposition groups. In addition to the question included on the agenda papers, a supplementary question can also be posed at the meeting.

- 8 Consideration of the Council questions section of the agenda often exceeds 45 minutes.

Motions and debates

- 9 There is at present no restriction on the number of motions for debate which can be submitted at any one Council meeting and no time restriction for them to be debate. . Motions are accepted on a first-come first-served basis and there have been on average 4 motions submitted per council meeting over the past year (excluding Budget and Annual Council meetings).
- 10 In the time available at the meeting usually one, on occasion two motions are debated in full. It is rarely the case that all motions on the agenda are debated. Those remaining motions not debated are either dealt with by vote (owing to the close of the meeting) or carried over at the request of the mover to the subsequent meeting of Council some two months later.
- 11 The rules of debate permit movers of a motion to have a maximum of 10 minutes to speak with general debate limited to 5 minutes per Member. Rights of reply are afforded to the mover of motion, any members who have submitted amendments, to the Leader of the Opposition, and finally to the Leader of the Council (each having up to 5 minutes). It is a regular occurrence for debates on a motion to last up to 1 hour. Intermediate debate rules which reduce the time permitted for each speaker, are rarely employed.
- 12 Dealing with Members' Questions and debating motions are not statutory business but rather have developed on the basis of customary practice and are common place in other Councils.

Options for other approaches

- 13 Provided there are Annual and Council Tax/budget meetings and arrangements exist to ensure that all statutory and such non-statutory business as can only be discharged by the Council is dealt with, the frequency, length and content of Council meetings is a matter for Members to determine.
- 14 Arrangements for Council meetings vary greatly between Councils, although there are also many similarities. The Appendix 1 to this report sets out brief details of the arrangements made by a number of Councils.
- 15 There is scope to review the frequency of meetings. The June meeting of Council is an opportunity to consider business which would not otherwise have been considered at the Annual Meeting in May (ie. questions, motions, etc.) and to debate the Leader's speech. There is however a timetabled meeting of Council in July where such matters could be dealt with thereby reducing the overall number of meetings to 7 per year.

- 16 In respect of Council questions, a time-limit of 45 minutes could be introduced with retention of the proportionality-based allocation of 15 questions to the opposition groups. Any remaining questions not addressed within the time available will be dealt with by way of written response circulated to all Members.
- 17 The introduction of a time limit for consideration of motions is a common theme amongst many local authorities. A **75** minute slot could be introduced with motions processed on the basis of first-come first-served as per the existing procedure and any motions or amendments not heard in the time available will be dealt with by vote only or withdrawn but only with the consent of Full Council. Deferred motions must be resubmitted for consideration at the following meeting of Full Council.
- 18 In order to facilitate the introduction of a time limit for consideration of motions, the rules of debate for Ordinary meetings of Council could be amended so that movers of a motion and any amendments have 5 minutes, with general debate moved to 3 minutes per Members. This is more in line with the intermediate debate process. Rights of reply could be limited to the Leader of the Group by which any motion or amendment was proposed and to the Leader of the Council.
- 19 The procedure rules in respect of the guillotine are complex and would benefit from simplification. It is suggested that meeting duration remain at three hours and that any business not transacted within that time is dealt with by vote only or deferred with the consent of Full Council (in the case of motions only).
- 20 To assist Members in assessing the impact of the changes outlined Appendix B sets out how the business of Council meetings would be dealt with in the time available before the meeting closes.
- 21 There are a number of other minor revisions which to seek to simplify understanding and the ability to interpret the procedure rules. It is not proposed to significantly alter the content, with amendments relating primarily to the order and language of the rules. A draft is attached as Appendix C.

IMPLICATIONS AND RISKS

Financial implications and risks:

The current cost of servicing full Council meetings is met from within existing resources. Any significant change in the make up, frequency or format of meetings may have a resource impact, which would need to be assessed following any decision.

Legal implications and risks:

The Council has a statutory obligation to meet in May for the Annual Meeting and in February to set the Council Tax and Budget. All other meetings are held at the Council's discretion (except where they are in response to a requisition for an extraordinary meeting).

The format and conduct of Council meetings is a matter within the Council's control subject to the administrative law principle of Wednesbury reasonableness.

Human Resources implications and risks:

There are no immediate HR implications arising from this report.

Equalities implications and risks:

There are no immediate equalities implications arising from this report.

BACKGROUND PAPERS

None

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APPENDIX A

The following table indicates the arrangements made by a number of local authorities for the format of their Council meetings.

The table is followed by some brief details of the Councils' agenda arrangements.

Local Authority	Frequency of Council Meetings	Members Questions & Time Allocated	Inclusion of refreshment break	Individual speech times	Motion limitations	Business remaining at guillotine
Barking & Dagenham	6 per annum	2 per Member. Those not dealt with by close of business receive written reply	No	2 minutes per Member. Total of 10 minutes per motion	10 minutes maximum per motion. No limitation on numbers	Business to be completed within 2 hours of the start of the meeting. Any remaining business carried over
Brent	6 per annum	Up to 9 questions. 1 minute to ask question, 2 minute maximum for reply	No	3 minutes for mover and general debate. 5 minutes for Leader right of reply	Maximum of 3 per meeting (1 each per political group)	Business to be completed within 3 hours (10pm). Unless otherwise directed by procedural motion all remaining items will go straight to the vote.
Bexley	5 per annum	2 questions per Member 15 Minutes allocated for Members questions (15 minutes also for public questions)	No	10 minutes for mover 5 minutes for general debate and replies (Leader only).	30 minute maximum for motions. No limitation on numbers. Motions not debated will be carried over.	11pm finish (3.5 hours in total). Any remaining business put to the vote
Enfield	8 per annum	20 questions, up to 30 minutes	No	5 minutes to the mover of a motion and to the first	Timed agenda for each	10:15pm finish (after 3.25 hour duration). Remaining items under

				opposition speaker in response, 3 minutes to the seconder and to other speakers, 2 minutes for right of replies	meeting agreed by Leader in consultation with opposition.	discussion will go to the vote. Any motions not debate can be carried over.
Islington	6 per annum	30 minutes. Maximum of 2 questions per Member	No	5 minutes for mover, anyone else speaking on the motion and the right of reply up to 3 minutes.	No more than 2 per Member	3 hour meeting duration. Any business not completed by 10:30pm goes to the vote
Southwark	5 per annum	30 minutes (15 minutes for Leader questions and 15 minute for others)	No	5 minutes for mover, general debate and right of reply up to 3 minutes	None	3 hours after the start of the meeting. Motions not dealt with go the vote. Any other items not dealt with (eg. reports) are given 15 minute extension, after which time such matters go to the vote.

Appendix B

ORDINARY MEETINGS (indicative timetable)

ITEM	SPEECH TIMES	ITEM LENGTH	REASON FOR CHANGE
<u>ADMINISTRATIVE ITEMS</u> Prayers Apologies for Absence Minutes Disclosures of Interest Announcements Petitions	N/A	Approx. 15 minutes	N/A
<u>COMMITTEE REPORTS & RECOMMENDATIONS</u> Governance O&S Cabinet Annual reports	Where amendments are received subject to the proposed rules of debate as set out in the report and below in 'motion' table	Approx. 15 minutes (ON AVERAGE but no specified time limit)	To ensure efficient use of time available for the meeting so that all business is transacted before the guillotine
<u>COUNCIL QUESTIONS</u>	Up to 15 questions allocated on proportionality. Supplementary questions only	45 Minutes	To improve efficiency. Council questions and answers are available in advance of the commencement of the meeting thereby enabling only the supplementary question to be posed.
<u>BREAK</u>		15 minutes (at mayor's discretion)	
<u>MOTIONS</u>	(1) Mover (motion or amendment)– 5 mins (2) General debate – 3 mins	Items duration maximum of 75 minutes, or such lesser time as the three hour meeting duration permits	To improve meeting efficiency. It is rarely the case that all motions are debated at meetings of Council. By

	(3) Replies – 3 mins		reducing debate times and imposing a time limit business will be transacted in a more efficient manner
<u>GUILLOTINE (10:15PM)</u>			Remaining business to be moved to the vote with meeting concluded by 10:30pm

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COUNCIL PROCEDURE RULES

Rule CONTENTS

1. Annual meeting of the Council
2. Ordinary meetings
3. Council Tax setting meeting
4. Extraordinary meetings
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chairman of meeting
8. Quorum
9. Duration of meeting and the guillotine
10. Questions by members
11. Motions
12. Procedural motions
13. Rules of debate
14. Petitions
15. Voting
16. Minutes
17. Exclusion of public
18. Members' conduct
19. Disturbance by the public
20. Suspension and amendment of Council Procedure Rules
21. Audio-Visual aids
22. Webcasting, Broadcasting and Recording of proceedings
23. Conferment of Awards for Eminent Service
24. Interpretation

1. ANNUAL MEETING OF THE COUNCIL

- 1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will normally take place in May but may, if the Council so agrees, take place in March or April.
- 1.2 Other than in a year when there is an ordinary election of Councillors, an extraordinary meeting of the Council shall be held in accordance with Council Procedure Rule 4.3, commencing at 7:30pm, and the Annual meeting shall commence immediately following the conclusion of that extraordinary meeting. In the year of an election, there shall be no extraordinary meeting by Council Procedure Rule 2(d) shall apply.
- 1.3 The business of the Annual Meeting shall be to:
- (a) choose a Member to preside if the outgoing Mayor is not present and to receive apologies for absence;
 - (b) elect the Mayor of the Borough for the forthcoming municipal year and receive notice of the appointment of the Deputy Mayor;
 - (c) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
 - (d) receive any declarations of interest from members
 - (e) receive any announcements from the Mayor and/or Chief Executive;
 - (f) in a year when there is an ordinary election of Councillors, elect the Leader of the Council, and receive notice of the appointment of the Deputy Leader of the Council and the Members of the Cabinet
 - (g) appoint the Overview and Scrutiny Board or Sub-Committees and any such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint their Chairmen and Vice Chairmen; and appoint the following seven Champions:
 - (i) for Diversity
 - (ii) for the Historic Environment
 - (iii) for the Over Fifties
 - (iv) for Standards
 - (v) for the Voluntary Sector Compact
 - (vi) for Younger Persons
 - (vii) for Armed Forces veterans

- (h) To receive an annual statement by the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough.

- 1.4 The Initial, Revised and Final Agendas for the Annual Meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 1 appended to these Rules.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at the last ordinary meeting of the preceding municipal year. Ordinary meetings will:

- (a) choose a Member to preside if the Mayor is absent and to receive apologies for absence;
- (b) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (c) receive any declarations of interest from members;
- (d) at the first ordinary meeting after the Annual Meeting immediately following an ordinary election of Councillors, consider whether to:
 - (i) confer on any former Member who has rendered eminent service to the Council the office of Honorary Alderman;
 - (ii) to present to any other Member a certificate of service; and
 - (iii) confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (e) receive any announcements from the Mayor, the Leader of the Council and/or the Chief Executive;
- (f) receive any petitions pursuant to rule 14;
- (g) receive and consider the following business, in the order indicated:
 - (i) recommendations from the Cabinet and the Council's committees;
 - (ii) reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
 - (iii) proposals from the Cabinet in relation to the Council's budget and policy framework;
 - (iv) reports of the Overview and Scrutiny Board and/or the Member Champions;
 - (v) any statutory or other plans submitted for the Council's approval;

- (vi) at the last ordinary meeting in the Municipal year, approve a programme of ordinary meetings of the Council for the following year;
- (vii) any motions relating to the appointment of Chairmen or Vice-Chairmen of Committees (which shall be submitted in accordance with Rule 11 following);
- (h) receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee and the Pensions Committee:
 - (i) except in the year when there are Borough Elections, at the first ordinary meeting in the Municipal Year; and
 - (ii) in the year when there are Borough Elections, at the last ordinary meeting before those elections;
- (i) at the annual meeting of each Municipal Year, receive reports for the previous year from the Member Champions;
- (j) consider questions from members submitted in accordance with Rule 10;
- (k) debate any petition exceeding the threshold of 3,500 signatories, and reach a decision on it, in accordance with the procedure set out in Rule 14
- (l) consider any motions submitted in accordance with the procedure set out in Rule 11; and
- (m) consider any other business specified in the summons to the meeting.

The Initial, Revised and Final Agendas for an ordinary meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 2 appended to these Rules.

3. COUNCIL TAX SETTING MEETING

At the meeting at which the Council Tax for any year is to be set, the order of business shall be:

- (a) to choose a Member to preside if the Mayor is absent and to receive any other apologies for absence;
- (b) to approve the minutes of the last ordinary meeting of the Council and of any subsequent extraordinary meeting that may have been held;
- (c) to receive any declarations of interest from members;
- (d) to receive any announcements by the Mayor and/or the Leader of the Council;

- (e) to consider proposals from the Cabinet in relation to the Council's budget and any reports of the Overview and Scrutiny Board in respect of those proposals;
- (f) to agree the Council's budget; and
- (g) to set the council tax.

The Initial, Revised and Final Agendas for the Council Tax setting meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 3 appended to these Rules.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer;
- (d) pursuant to statute, any five members of the Council if they have signed a requisition presented to the Mayor and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The Mayor shall, at his absolute discretion, set the date and time for the extraordinary meeting (subject to the statutory right of the Members who have requisitioned a meeting to do so in the event that the Mayor fails to do so) for any time prior to the commencement of the next ordinary meeting of the Council (including the Annual Meeting and the meeting at which the Council Tax is set).

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor (or by the proper officer, in the event of Members exercising their default right) when the meeting is convened.

4.2 Business

The extraordinary meeting will:

- (a) choose a Member to preside if the Mayor is absent and receive any other apologies for absence; and
- (b) consider the business specified in the summons for the meeting.

4.3 Conferment of Honorary Freedom

Immediately before the Annual Meeting of the council in any year other than when there is an ordinary election of Councillors, an extraordinary meeting shall be convened for the purpose of considering an nomination for the conferment of the Honorary Freedom of the Borough in accordance with Council Procedure Rule 23.

5. TIME AND PLACE OF MEETINGS

Meetings of the Council will be held at Havering Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and begin at 7.30pm unless an earlier time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer will send a summons by post to every member of the Council or leave it at their usual place of residence; a Member may request the Proper Officer to make the summons, agenda and papers available by e-mail, electronic means (and the sending of which documents by electronic means on request shall be deemed to be due delivery). The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

The Proper Officer shall also circulate to Members, for their information, an Initial Agenda and a Revised Agenda before the Final Agenda is issued, but neither shall be regarded as defining the agenda for the meeting.

The Proper Officer may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

7. CHAIRMAN OF MEETING

- (a) the person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of that meeting;
- (b) the ruling of the Mayor in relation to any aspect of the conduct of the meeting shall not be questioned;
- (c) whenever the Mayor rises during a debate, any member then speaking or standing shall be seated and the Council shall be silent.
- (d) the Mayor shall in addition to statutory and common law powers and any other powers herein, have power to govern the meeting, curtail any

debate, keep order, alter the order of business, amalgamate debates and in general organise the business of the meeting.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will be adjourned immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETINGS AND THE GUILLOTINE

9.1 Conclusion of ordinary and special meetings

Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm (whichever is earlier) and the Mayor shall declare the meeting closed

If there are motions or recommendations on the agenda that have not been dealt with by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

9.2 Conclusion of the Annual Meeting and of the Council Tax Setting meeting

The Annual Meeting and the Council Tax Setting Meeting shall continue until all business has been dealt with, whereupon the Mayor will declare the meeting closed.

10. QUESTIONS BY MEMBERS

10.1 Questions on notice at full Council

Subject to Rule 10.2, a member of the Council may ask a question on any matter relating to the business of the Council:

- (a) The Leader of the Council
- (b) A member of the Cabinet
- (c) Any Committee Chairman who is a Member of the Council
- (d) A Champion

In the absence of one of the above listed in (a) to (d), the Chairman shall arrange for another Member to respond on their behalf.

10.2 Notice of questions

- (a) Members may only ask questions under Rule 10.1 if either:
 - (i) They have given 11 clear days' notice in writing to the Proper Officer signed by the Member or by the Group Leader on behalf of that Member.
 - (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances, have been given and the Mayor accepts the question before the start of the meeting.
- (b) The Proper Officer shall refer to the Mayor any question that appears improper. If the Mayor agrees that the question is vexatious, scurrilous, frivolous or derogatory, is contrary to any provision of any Code, protocol, guideline or convention of the Council, does not relate to the business of the Council, or is otherwise improper or inappropriate it shall not be asked and the Chief Executive shall inform the questioner accordingly.

10.3 Order of questions

The allocation of the total number of questions set by Rule 10.6 shall be as near as possible in accordance with the relative size of the opposition political groupings and number of members not attached to a group. The Chief Executive shall determine the allocation from time to time and shall notify the Governance Committee of the allocations.

Subject to the following provisions, questions shall be dealt with in order of receipt.

Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:

- (a) round one shall comprise the first of the questions asked by any of the Members of each Group or by any unattached Member(s);
- (b) subsequent rounds shall comprise successive questions in such order until a Group or unattached member(s) have used their allocation of questions.
- (c) In the event that a Group does not use its full allocation of questions the remaining allocation shall be available for use by any other Group or unattached Member who has already submitting their agreed allocation of question on a first come, first serve basis.

Where appropriate in the public interest or to facilitate the business of the meeting, the Mayor may give priority to answering one or more questions.

10.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer shall be provided later to the questioner and included in the minutes of the meeting.

10.5 Supplementary question

- (a) A member asking a question may ask one supplementary question without notice, of the member to whom the principal question was asked. The supplementary question must arise directly out of the original question or the reply. . This is never used – but if it is to be taken out we might need to tell them
- (b) There shall be no discussion or debate on any question. Members must phrase supplementary questions appropriately and not seek to make a statement, introduce new business or initiate a debate on the matter.

10.6 Number of Questions

A maximum of 15 questions can be submitted for a Council meeting all of which together with any supplementary questions under rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.

10.7 Time allowed for Questions

The time set aside for questions shall not exceed 45 minutes. Any questions which have not been put in the time available will be responded to in writing, circulated to all Members and included in the minutes of the meeting.

10.8 Absence of questioner

Where a member has given notice of a question but is absent from the meeting, the Group Leader (or another Member of the Group nominated by the Group Leader) may ask the question on the Member's behalf, otherwise the question shall be dealt with as if it had been put for written answer.

10.9 Alteration of question prior to publication of final agenda

A member asking a question, or the Leader of the Group on behalf of that member, may at any time prior to the publication of that question in the final agenda for the meeting require the Chief Executive to alter the wording of that

question in order to correct factual or typographical error. No alteration shall affect the sense of any such question, and where the Chief Executive doubts the propriety of such an alteration, the Mayor may agree that it shall not be accepted. The Mayor's ruling on the matter shall not be questioned.

10.10 Withdrawal of question

A question may be withdrawn at any time by the person who submitted the question or by the Leader of a member's Group (with that member's consent).

10.11 List of Questions

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting.

The minutes of the meeting shall include:

- (a) the text of the question and answer of every question dealt with orally, in the order in which each was dealt with
- (b) a summary of any supplementary question and answer
- (c) the text of the question and answer of every question dealt with by written reply.

10.12 Questions about reports

A Member may question the Leader of the Council, a Cabinet Member, a Committee Chairman or a Member Champion, as appropriate, about the content of any report before Council. Questions:

- (a) About reports issued with the final agenda shall be submitted to the Proper Officer no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) About an urgent report may, with the consent of the Mayor, be asked without notice at the time the report is considered by Council.

10.13 Reports to Council and amendments

Reports of Cabinet, Committees or officers to Council to which an amendment is proposed shall be deemed subject to a motion "that the report be adopted and its recommendations carried into effect", which shall be moved and seconded by members of the Administration or the relevant committee chairman and vice-chairman; and be subject to the rules of debate as set out in Rule 13.4.

In these Rules, "motion" includes a deemed motion in respect of a report. The provisions of Rules 11.1 and 11.2 shall not apply to a deemed motion (except insofar as section 100B(4) of the Local Government Act 1972 applies to that motion).

Amendments to any reports before Council shall be submitted to the Proper Officer as follows:

- (a) To reports issued with the final agenda, no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) An amendment to an urgent report may be proposed without notice at any time before the debate on it is concluded,

11. MOTIONS OF WHICH NOTICE IS GIVEN

11.1 Subject to Rule 11.2 following and except for motions which can be moved without notice under Rule 12, written notice of every motion, signed either by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 10 clear days before the date of the meeting. Notice of such motions will be available for public inspection

11.2 If a member satisfies the Mayor that:

- (a) there are special circumstances of sufficient urgency to require debate by the Council but due notice could not be included on the final agenda for the meeting as the issue in question arose after the deadline provided for in Rule 11.1 and
- (b) where applicable, those reasons are sufficient to permit admission of the motion on to the agenda in exercise of the power conferred by section 100B(4) of the Local Government Act 1972

The Mayor shall have power to agree that the motion be moved as an urgent motion at the meeting notwithstanding that due notice has not been given. If possible, the Proper Officer shall include any urgent motion on the Final Agenda for a meeting but if that is not possible, shall issue a Supplementary Agenda including it.

11.3 Scope

- (a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.
- (b) The Monitoring Officer may reject a Motion (or an amendment to a motion) if it:
 - (i) is not about a matter for which the local authority has a responsibility or which affects the borough;
 - (ii) is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive
 - (iii) is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;
 - (iv) requires the disclosure of confidential or exempt information;

- (v) seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints
- (c) Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.
- (b) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

11.4 Motion set out in agenda

Motions of which notice has been given will be listed on the agenda in the order in which notice was received and, subject to that, in the order in which the group submitting the motions expresses a preference.

11.5 Amendments to motions

- (a) Notice of amendment (other than to an urgent motion) must be signed by at least two members or by the Leader or Secretary of a Group and must be delivered to the Proper Officer at least 6 clear days before the date of the meeting.
- (b) An amendment to an urgent motion may be proposed and seconded without notice at any time before the debate on it is concluded.
- (c) An amendment shall not be debated unless it has been moved and seconded. The mover or seconder of an amendment may not move or second any other amendment on the same motion without the consent of the Mayor.
- (d) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

provided that the effect of (ii) to (iv) is not to negate the motion.
- (e) If there is any doubt about the effect of the carrying of any amendment upon the original motion, the Mayor may direct that it be read out (or displayed, if projection equipment is available) before accepting any

further amendments, or if there is none, before a vote is taken on the substantive motion.

11.6 Alteration of motion and/or amendment to a motion

- (a) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity.
- (b) At a meeting, the mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed or has been moved, must seek the consent of the Council to alter that motion or amendment.
- (c) No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, upon considering such doubts the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.
- (d) The meeting's consent will be signified without discussion and be determined by vote only.
- (e) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

11.7 Withdrawal of motion or amendment

A motion or amendment issued with the final agenda may be withdrawn or amended via a procedural motion (12.1(g)) but only once the meeting has commenced and at any time before the agenda item is called. The withdrawal or amendment of a motion will require the consent of Full Council. No member may speak on the motion or amendment after the mover has withdrawn it.

11.8 Amendments to motions and reports at the Council Tax setting meeting

- (a) An amendment to a motion/report at the annual Council tax setting must be submitted to the Chief Executive no later than 6 clear days before the Council tax setting meeting, and must be such that the amendment would, if passed, in the view of the Chief Finance Officer enable a robust budget to be set.
- (b) Upon receipt of such amendment, the Chief Finance Officer shall consider whether it meets the "robust budget" test, and:

- (f) If it does meet the test, the Proper Officer shall include it on the agenda for the meeting.
- (g) If it does not meet the test but the Chief Finance Officer considers that, duly altered, it will do so, that officer shall consult the proposers and, if they accept the alteration(s), the Proper Officer shall include it, as altered, on the agenda for the meeting.
- (h) If it does not meet the test and the Chief Finance Officer considers that, whether or not altered, it will not do so, that officer shall refer the amendment to the Proper Officer who shall proceed with it as an improper amendment under Rule 11(3)(b).
- (c) As it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Chief Finance Officer.

11.9 Time allowed

The total time for consideration of any motions or amendments for ordinary meetings shall not exceed 75 minutes. Any motion or amendment on the agenda that is not reached shall be deemed moved and seconded and/or any debate in progress shall be ceased by the Mayor and be moved to the vote without discussion.

12. PROCEDURAL MOTIONS

12.1 Procedural motions

The following procedural motions may be moved and seconded at any time during the meeting, where appropriate before the conclusion of the business to which they relate, without notice and shall be voted on without discussion:

- (a) in relation to the accuracy of the minutes
- (b) to change the order of business in the agenda
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (f) to apply to a motion (including a deemed motion relating to a report the vote only procedure (rule 13.6);

- (g) to withdraw a motion or amendment;
- (h) to clarify a motion or amendment;
- (i) to adjourn a debate to a time specified;
- (j) that the meeting continue beyond 10.30 p.m;
- (k) to suspend a particular council procedure rule in accordance with Rule 20
- (l) to exclude the public and press in accordance with s.100B of the Local Government Act 1972;
- (m) not to hear further a member named or to exclude them from the meeting under Rule 18;

12.2 Special procedural motions

A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move one of the following special procedural motions:

- (a) “That the question be put”, or
- (b) “That the Council proceed to the next business”, or
- (c) “That the Council adjourn”.

If the special procedural motion is seconded, it shall be put to the vote forthwith and, if it is carried, then:

- (i) in case (a): the rights of reply given by Rule 13.6 may be exercised. The motion before the meeting shall then be put to the vote, or
- (ii) in case (b): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or
- (iii) in case (c): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (c)

12.3 PREVIOUS DECISIONS AND MOTIONS

12.3.1 Motion to rescind a previous decision

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months shall not be moved unless the notice of motion is signed by at least 25 per cent of the members.

- (b) A motion to rescind may be included within a motion seeking to alter the previous decision in question and the two motions shall be treated as one matter for debate.

12.3.2 Motion similar to one previously rejected

- (a) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months shall not be moved unless the notice of motion or amendment is signed by at least 25 percent of members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- (b) This rule shall not apply to motions moved in respect of a report or recommendation of a committee but shall apply to amendments to such a recommendation.

13 RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed and may require it to be made available to all members. The text of such a motion may be displayed using the audio-visual display system within the Council Chamber.

13.3 Length of speeches

No speech may exceed the following time limits without consent of the Mayor.

- (a) five minutes for a mover of a motion or an amendment
- (b) three minutes for other speeches in any debate

Except that, at the meeting setting the council tax under rule 3, the speeches of any Group Leader (or of a member nominated to speak on behalf of a Group Leader) on any motion or amendment relating to the council tax shall not exceed twenty minutes.

At the close of each debate upon a motion or report, or after a motion "That the question be put" has been carried, rights of reply may be exercised in the following order:

- (a) The Leader of the Group by which any motion, recommendation or amendment was proposed (if not the Leader of the Council or the Leader of the Opposition), or, if the mover is not a member of a Group, that Member.

(b) Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.

(c) The Leader of the Council

In each case the appropriate Leader may nominate another member of their Group to reply on their behalf.

13.4 Vote only procedure

Where this procedure is invoked, the Mayor shall put the matter to a vote without debate. The motion and any amendment shall be deemed to have been moved and seconded, and shall be voted upon as if there are been a full debate of the matter.

13.5 Seconding a motion or amendment

No motion or amendment shall be debated or voted upon unless it has been seconded by a Member other than its proposer. A Member seconding a motion or amendment shall do so formally, without making a speech.

13.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) in exercise of a right of reply;
- (b) on a point of order;
- (c) by way of personal explanation;
- (d) by way of clarification; or
- (e) on a point of information.

13.7 Point of order (breach of council rules)

A member may raise a point of order at any time. The Mayor will hear this immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

13.8 Personal explanation (when a member is referred to)

A member may seek to make a personal explanation at any time during the course of another member's speech if he has been referred to by name or position, either immediately if the member speaking gives way or at the end of

the speech. A personal explanation may only relate to the statement made by the other member in their speech. The ruling of the Mayor on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

13.9 Clarification (of a member's own statement)

A member may seek leave from the Mayor to clarify a point made in an earlier speech by that member if it appears from comments made in a subsequent speech that the earlier speech by the member had been misunderstood. The ruling of the Mayor on the admissibility of a clarification and the time allowed for any clarification will be final.

13.10 Point of Information (a question to seek clarification on a factual statement by others)

A member may seek to make a point of information at any time but may not pursue it if the member speaking declines to give way. It shall be a simple question to clarify factual statements made during the course of a speech. It may not be a long or rhetorical question or become a cross-examination of the speaker. The ruling of the Mayor on the admissibility of, and the time allowed for, any point of information will be final.

14. PETITIONS

Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2, subject to notice being given to the Proper Officer of the intention to present a petition at least 6 clear days before the meeting.

There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.

15. VOTING

15.1 Majority

Subject to any statutory requirement otherwise (notice of which shall appear in the relevant agenda), all matters before Council shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

This rule shall not be suspended.

15.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

15.3 Recording of Votes

All votes shall be recorded.

15.4 Voting on appointments

If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Mayor shall exercise a casting vote.

16. MINUTES

16.1 Signing the minutes

- (a) The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only discussion of the minutes shall be as to their accuracy.
- (b) Any other matter arising from the minutes shall be discussed only if a motion relating to the matter is moved and seconded in accordance with Rule 11.

This rule shall not be suspended.

16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Minutes of previous meetings shall be signed only at ordinary meetings (including the Annual Meeting and the Council Tax Setting Meeting).

This rule shall not be suspended.

16.3 Form of minutes

- (a) Subject to (b) following, Minutes will contain all motions and amendments in the exact form and order the Mayor put them.
- (b) For the purpose of ensuring the accuracy of minutes, the Proper Officer is authorised to adjust the text of the substantive motion as finally carried to reflect the sense of the meeting where, in consequence of more than one amendment being carried, the meaning is not otherwise clear.

17. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the provisions of section 100B of the Local Government Act 1972 or Rule 19 (Disturbance by Public).

18. MEMBERS' CONDUCT

18.1 Standing to speak

When a member speaks at full Council they must stand (unless prevented from doing so by illness or disability) and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, clarification, a point of personal explanation or information.

18.2 Defamatory and unparliamentarily language

- (a) Although Members have qualified privilege in respect of defamation at Council meetings, they must not abuse that privilege so as to make personal attacks on individuals. Officers at Council meetings are not permitted to criticise a member's personal conduct, judgement or ability and Members for their part must not criticise an officer personally at any meeting. The Mayor will take this into account in conducting the meeting.
- (b) The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 18.3 below.

It is considered that "unparliamentarily language" is language which offends against the conventions of politeness such as insulting or abusive language and accusations of lying, being drunk or misrepresenting another's words.

18.3 Member not to be heard further

- (a) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any other Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (b) If the motion is carried, the Member named in it shall immediately be seated and be silent for the remainder of the item then under discussion.

18.4 Member to leave the meeting

If the member continues to behave improperly after a motion under Rule 18.3 is carried, the Mayor may move either that the member leaves the meeting and/or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

This rule shall not be suspended.

19. DISTURBANCE BY THE PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

19.3 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may issue a warning and if the disturbance continues adjourn the meeting for as long as he thinks necessary. Such action shall be at the Mayor's discretion and may be taken without putting the matter to the vote.

Rules 19.1 to 19.3 shall not be suspended.

20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

20.1 Suspension

(a) Except as noted in 20.2 below, all Council Rules of Procedure may be suspended for the duration of a meeting by motion without notice.

(b) The following Rules may not be suspended:

15.1 – question to determined by majority vote

16.1 - signing of minutes - procedure

16.2 – minutes to be signed only at ordinary meetings

18 - Members' conduct

19 - Disturbance by the public

20.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the Governance Committee.

21. AUDIO-VISUAL AIDS

A member, or person invited to address the Council may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of such facilities in order to ensure their availability when required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

The Mayor may, however, direct that, in the circumstances of a particular meeting, such aids may not be used.

22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS

22.1 Webcasting

A webcast may be made of any meeting (or part thereof) of the Council (but not so as to permit the webcasting of any confidential or exempt information) but the Mayor is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

22.2 Audio/ Visual Recording of Meetings

Anyone is welcome to record meetings of Council and its committees through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

All those visually recording at the meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this all rights to record the meeting are removed.

23. CONFERMENT OF AWARDS FOR EMINENT SERVICE

23.1 Other than in a year in which there is an ordinary election of Councillors, Council shall consider at an extraordinary meeting held immediately before the Annual Meeting whether to confer on any person the Honorary Freedom of the borough, in recognition of their distinction or eminent services to the borough.

23.2 In a year in which there is an ordinary election of Councillors, Council shall consider at first ordinary meeting following the Annual Meeting

- (i) whether to confer upon on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (ii) whether to confer upon any former Councillor the office of Honorary Alderman, in recognition of their eminent services to the Council; or
- (iii) the presentation to any Member or former Member of a certificate in recognition of service to the Council.

- 23.3 Notwithstanding rules 23.1 and 23.2 above, the Council may by motion consider conferring Honorary Freedom or the office of Honorary Alderman on a qualifying person, or presenting a certificate to a Member, where in the circumstances it is inappropriate to await the next Annual Meeting or the meeting following it, as the case may be.
- 23.4 The mover and/or seconder of a motion to confer the Honorary Freedom or the office of Honorary Alderman shall set out, either in the text of the motion or in the course of speaking in support of it, details of the “eminent service”, or the reason for “distinction” for which the award is to be conferred, and it shall be passed if two thirds of those present and voting at the meeting vote in favour.

24. INTERPRETATION

For the purposes of the Council Procedure Rules:

- (a) the term “clear days” means a normal working day, excluding:
 - (i) the day on which a document is first made available
 - (ii) the day of the meeting
 - (iii) Saturday and Sunday
 - (iv) Public or bank holidays
 - (v) Other days when the Council’s offices are closed
- (b) “Proper Officer” shall include, if the Chief Executive is absent or unable to act, reference to any SLT Director or the Monitoring Officer who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) “Group” means any Group of members constituted under the statutory rules for political balance
- (d) “Group Leader” means the member notified to the Proper Officer as leader of a Group
- (e) “Deputy Group Leader” means “the other authorised representative” of the group
- (f) “Group Secretary” means the member notified to the Proper Officer as holding that office within the Group
- (g) “Leader of the Council” means the Member elected to hold that office
- (h) “Leader of the Opposition” means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
 - (i) any notice required to be given in writing may validly be given in writing on paper, by fax or by e-mail provided that the e-mail is

from an address recognisably that of the person giving notice or known to be associated with him or her.

- (ii) any document required to be served upon the Proper Officer or the Chief Executive may be handed to the Head of Democratic Services or a member of their staff.
- (iii) any document required to be served upon the Mayor may be handed to the Proper Officer, Chief Executive or the Head of Democratic Services or a member of their staff on behalf of the Mayor.
- (iv) any document handed to the Proper Officer, Chief Executive, Head of Democratic Services or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
- (v) where more than one signature is required, each may validly be given by the member(s) in question by notice in writing, by fax or by e-mail from a recognisable e-mail address or one known to be associated with him or her and different Members may use different means of signature.

APPENDIX

These timetables assume that the meeting of Council is held on a Wednesday. If a meeting is held on another day, the relevant timetable shall be adjusted accordingly.

1 Annual Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of notices of motion relating to the business to be transacted at the Annual Meeting	Tuesday: two weeks before 10
3	Last date for receipt of nominations for the conferment of the Honorary Freedom of the borough	Tuesday: two weeks before 10
4	Publication of REVISED Agenda	Thursday: two weeks before 8
5	Last date for receipt of notice of amendment of any motion relating to business to be transacted at the Annual Meeting or report published with the Initial or Revised Agenda	Monday: one week before 6
6	Publication of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before 5
7	Last date for receipt of notice of amendment to any report published with the Final Agenda	Monday: same week 1

2 Ordinary Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of questions	Monday: two week before 11
3	Last date for receipt of notices of motion	Tuesday: two weeks before 10
4	Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council	Tuesday: two weeks before 10
5	Publication of REVISED Agenda	Thursday: two weeks before 8
6	Last date for receipt of notice of amendments to motions published in the Revised Agenda	Monday: one week before 6
7	Last date for receipt of notice of intention to present a petition	Monday: one week before 6
8	Issue of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before 5
9	Last date for receipt of notice of amendments to reports issued with the Final Agenda	Monday: same week 1

3 Council Tax Setting Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	<i>Cabinet meeting at which budget recommendations will be determined</i>	<i>Wednesday: two weeks before 9</i>
3	Publication of REVISED Agenda	Thursday: two weeks before 8
4	Issue of FINAL AGENDA incorporating all agenda papers (but Supplementary Agenda(s) will be published)	Tuesday: one week before 5
5	Last date for receipt of any amendment to the Council Budget	Monday: one week before 6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: ALLOCATION OF SEATS ON THE COMMITTEES OF THE COUNCIL

- 1 On 11 January 2019, Councillor Melvin Wallace ceased to be a member of the Conservative Group and became an Independent Member on the Council.
- 2 This report seeks to address the change in the make-up of the Council by re-visiting the allocation of seats on Committees in accordance with the Local Government (Committees and Political Groups) Regulations 1990. As a consequence of Councillor Wallace becoming an Independent Member, the Conservative Group loses 2 seats from its allocation. In accordance with political balance rules, those seats are allocated to the Labour Group (Crime & Disorder Overview and Scrutiny Sub-Committee) and the North Havering Residents' Group (Environment Overview & Scrutiny Sub-Committee).
- 3 A brief summary of the legal requirements on political balance and their impact on the present makeup of the Council is set out at Appendix 1. Greater detail is provided in Annex B.
- 4 There is a report elsewhere on the agenda addressing vacancies arising in respect of Chairman and Vice-Chairman positions on some committees.
- 4 There are no additional financial implications or risks arising from this report.
- 5 There are no legal, human resources or equalities and social inclusion implications or risks attached to this report.

RECOMMENDATIONS

That Council agrees to the seat allocation for political balance as set out in Annex A.

Staff Contact: Andrew Beesley
Designation: Head of Democratic Services
E-mail address: andrew.beesley@onesource.co.uk

Andrew Blake-Herbert
Chief Executive

Background Papers List

None

APPENDIX 1

POLITICAL BALANCE PRINCIPLES

The Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. The relevant principles are, in order of priority:

1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
3. The total share of all the seats available for all Committees allocated to each political Group and to Members not in a Group must be proportionate to that Group's/Members' share of the total Council membership.
4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group or to Members not in a Group must be proportionate to that Group's/those Members' share of total Council membership.

In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own. With the distribution of seats on the Council that results from the election, it is inevitable (a) Groups/Members will not all be able to be represented on every Committee and (b) that one Group's representation on some Committees will be at the expense of another's.

The minimum number of councillors in a group for it to exist is two.

The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.

To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.

Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to the Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

The “wishes of the Group” may be communicated to the Proper Officer and will be implemented forthwith. Changes may be effected at any time by notice to the Proper Officer and will be notified to all Members in the next available edition of the weekly Calendar Brief.

It should be noted that the Constitution provides that the Chairmen and Vice-Chairmen of Committees are appointed by Council and any change in membership affecting a Chairman or Vice-Chairman will therefore require consideration by Council.

RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the default position.

		CONS	RES	UCRG	LAB	IRG	NHRG
Governance	11	5	2	1	1	1	1
Licensing	11	5	2	1	1	1	1
Planning	8	4	1	1	1	1	0
Strategic Planning	8	4	1	1	1	1	0
Highways Advisory	8	4	1	1	0	1	1
Adjudication	8	4	1	1	1	1	0
Pensions	7	3	1	1	1	0	1
Audit	6	3	1	1	0	0	1
JV WP	8	4	1	1	1	1	0
O&S Board	16	8	2	2	1	2	1
Children's	9	4	2	1	1	1	0
Crime & Disorder	6	3	0	1	1	1	0
Towns & Communities	9	4	2	1	1	1	0
Environment	6	2	1	0	1	1	1
Health	6	3	1	0	0	1	1
Individuals	7	3	1	1	1	1	0
Total seats allocated	134	63	20	15	13	15	8

- Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

POLITICAL BALANCE PRINCIPLES

- 1.1 In allocating seats on Committees to the Groups, the Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. The relevant principles are, in order of priority:
1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
 2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
 3. The total share of all the seats available for all of the Council main Committees allocated to each political Group must be proportionate to that Group's share of the total Council membership.
 4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group must be proportionate to that Group's share of total Council membership.
- 1.2 Moreover, in determining entitlements to seats, any members who are not in a Group are disregarded, as they are not entitled to a seat on any Committee; but the proportions on which entitlements are calculated must relate to the total number of Councillors.
- 1.3 **In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own.** With the distribution of seats on the Council that results from the election and recent changes in political make-up, it is inevitable (a) that the smaller Groups will not be able to be represented on every Committee, (b) that one Group's representation on some Committees will be at the expense of another's and (c) that, with calculations made as accurately as possible, one or more Groups may have actual seat numbers that differ from their entitlements.
- 1.4 The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.
- 1.5 To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.
- 1.6 Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to each Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

- 1.7 The “wishes of the Group” may be communicated to the Chief Executive (or the Committee Administration & (Interim) Member Services Manager on her behalf) by notice in writing by the Group Leader (or on his/her behalf by a recognised deputy) and will be implemented forthwith. Changes may be effected at any time by notice to the Chief Executive (or Committee Administration & (Interim) Member Services Manager) and will be notified to all Members in the next available edition of the weekly Calendar Brief.
- 1.8 It should be noted that the Chairmen and Vice-Chairmen of Committees were appointed by Council and any change in membership affecting a Chairman or Vice-Chairman would therefore require consideration by Council, and be dealt with by formal motion where necessary.
- 1.9 The Health and Wellbeing Board, while a Council Committee, is an executive Committee with separate statutory rules on membership. As with the Cabinet therefore, the Health and Wellbeing Board is not included in this seat allocation process.

PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES

- 2.1 The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

Basic allocation of seats

- 3.1 The Regulations specify that the minimum size of a Group is two Members. As seats are allocated on the basis of Groups, Members who do not belong to a Group do not have a right to be allocated any Committee seat.
- 3.2 The seat entitlements of the Groups are determined by a formula using the percentage of seats held by each Group, operating through a sequence of stages as follows:
 - **First**, the percentage of each Group’s membership of the Council is calculated.
 - **Next**, that percentage is then applied to the number of seats available on each Committee to determine each Group’s potential entitlement to seats on that Committee (rounded to the nearest whole number following the mathematical convention that numbers below 0.5 are rounded down, and those 0.5 or more are rounded up).

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil (i.e. less than 0.5), as there is a specific number of seats available on each Committee and no Group may have more seats on any Committee than its entitlement.

Those figures are then applied to the total number of seats available on each Committee, the seats being allocated in order, highest entitlement first, until all seats have been allocated.

- **Finally**, fine adjustment is required to ensure that, so far as reasonably practicable, the total of seats allocated reflects the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process. This can result in a group being allocated more seats than appears to be its strict entitlement: this is the inevitable result of tensions within the political balance rules, which require different balancing arrangements as between the overall number of seats available, and the number of seats on each Committee.

Specific allocations

- 4.1 For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.
- 4.2 Once the number of seats available on each Committee has been determined, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.



COUNCIL, 23 January 2019

REPORT OF THE CHIEF EXECUTIVE

Vacancies for position of Chairman of Strategic Planning Committee and Vice Chairman of Pensions Committee

Following the resignation of Councillor Melvin Wallace from the Conservative Group, vacancies have arisen for the positions of Chairman of Strategic Planning Committee and Vice Chairman of Pensions Committee.

Nominations can be received for Chairman of Strategic Planning Committee from the Conservative Group, Residents' Group, Upminster and Cranham Residents' Group, Labour Group and Independent Residents' Group, each of which have allocated seats on this committee.

Nominations can be received for Vice-Chairman of Pensions Committee from the Conservative Group, Residents' Group, Upminster and Cranham Residents' Group, Labour Group and North Havering Residents' Group, each of which have allocated seats on this committee.

RECOMMENDATIONS

- 1 That nominations be received for the appointments of the Chairman of the Strategic Planning Committee and Vice-Chairman of the Pensions Committee.

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Andrew Blake-Herbert
Chief Executive

Background Papers

None.

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COUNCIL, 23 January 2019

MOTIONS

A. USE OF BUS LANES BY MOTOR CYCLES

Motion on behalf of the Upminster and Cranham Residents' Associations Group

While motorcyclists make up 1% of traffic volume across London, they account for 27% of all killed and seriously injured casualties, with 33 fatalities over the last year. Permitted use of bus lanes across London is inconsistent with some councils allowing motorcyclists to use the lanes, some not (Havering do not), and some partially.

Allowing motorcyclists to use bus lanes would not only improve the safety of motorcyclists and other road users but would add clarity over the potential to receive a £160 fine for entering a bus lane which may change from one borough to the next.

While this would ideally be a London wide aspiration, this Council calls upon the Executive to undertake measures, including the necessary consultations, to allow motorcyclists to use bus lanes in Havering.

Amendment on behalf of the Conservative Group

Amend motion to read:

This Council recognises the different approaches across London and calls upon the Environment Overview & Scrutiny Sub-Committee to investigate the matter and report back to the Cabinet in due course. In readiness for that report, Council also calls upon the Mayor of London to bring forward guidance on the use of bus lanes by non-bus traffic as to create a consistent approach across the capital.

B. SIZE OF PLANNING COMMITTEES

Motion on behalf of the Independent Residents' Group

The March 7th Governance meeting and subsequent March 21st Council approved a Governance report proposing changes to the council's planning regime. The report included a recommendation to create two planning committees, a Strategic Planning committee with 7 members and a Planning committee with 11 members, but did say

Council, 23 January 2019

the actual size of the committees (and all committees) would be a matter for Annual Council on May 23rd.

At Annual Council it was proposed to create two size 8 planning committees as part of item 9 on the Council agenda. Item 9 was approved without debate following a procedural motion to go vote only. Following the meeting the Monitoring Officer advised the creation of size 8 committees was to “assist with proportionality”, except it doesn’t and neither does the Planning Advisory Service provide specific advice on size of committees.

Due to the quasi-judicial importance of planning committees, the overall creation of two new planning committee positions is welcome, however this motion calls upon Council to agree to change the size of the two planning committees from size 8 to size 7 (strategic) and 11 (planning) as recommended in the approved March 7th Governance Committee report, subsequently approved at March 21st Council.

Council is further asked to agree to increase the total number of seats on committee to 136 (from 134), and to ensure political balance rules are adhered to, agrees to the allocation of seats as set out in the appendix to this motion.

Amendment on behalf of the Conservative Group

This Council notes the decision taken by full council on 23rd May this year to establish the committees of the authority having regard to political balance.

C. SEXUAL HARRASSMENT

Motion on behalf of the Independent Residents’ Group

Senior councillors and officers recently held the LGBT flag in front of the Town Hall, albeit up-side down, to mark LGBT month. The Council Leader attended this worthy event, but Council now calls on the Executive to show support for the female and wider community by condemning sexual harassment, bullying and misogyny?

Amendment on behalf of the Labour Group

Delete the motion and insert the following in its place:

This Council condemn all forms of sexual harassment, bullying and misogyny and reaffirms its commitment to upholding the Equality Acts and those protected by its provisions.

Amendment on behalf of the Conservative Group

This Council welcomes the steps taken by the administration in spreading inclusion through the adoption of the first community cohesion strategy of Havering Council and looks forward to the official launch of the community cohesion strategy and engagement forum. Furthermore, this Council notes that the LGBT flag will be flown

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at the Town Hall to mark the start of LGBT month.

D. PARKING MACHINES

Motion on behalf of the Independent Residents' Group

Parking meters cost money to remove, buy and install. A few years ago the council removed the old 'flag' meters and replaced them with 215 digital machines costing between £4000 > £5000 each. **The council's new parking strategy proposals include** removing, at a cost, of £70,000 154 machines valued @ between £616,000 > £770,000 and converting the remaining 61 to cashless card/phone machines at a cost of £244,000!

As this reduces maintenance costs it's forecast, by reducing staff, to make an annual revenue saving of £244,000 which means it will take over 4 years of revenue saving to recoup the £1m capital cost of removing and converting the parking meters.

However going cashless will deter many people from parking and these upgraded machines will still be subject to vandalism and so could result in a big drop in income! And staff reductions could mean no enforcement of parking restrictions in the areas where machines have been removed, to the detriment of local shops.

Council calls on the Executive to drop these proposals as a false economy as going cashless will reduce income and result in deserted shopping centres and parades outside Romford.

Amendment on behalf of the Labour Group

Delete the motion and insert the following in its place:

The Council recognises the benefits of cashless card/phone parking machines and calls on the Executive to incorporate within its new parking proposals the replacement of exiting machines with the gradual introduction of cashless machines.

Amendment on behalf of the Conservative Group

This Council welcomes the proposed upgrading of parking park and display machines across the borough as part of the new parking strategy; and welcomes the addition of contactless payment to reduce running costs and to provide greater ease for users.

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Council, 23 January 2019

Motion D – Size of Planning Committees

APPENDIX

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RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the default position.

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