



CHELTENHAM BOROUGH COUNCIL

Notice of a meeting of Cabinet

**Tuesday, 5 November 2019
6.00 pm
Pittville Room - Municipal Offices**

Membership	
Councillors:	Steve Jordan, Flo Clucas, Chris Coleman, Rowena Hay, Alex Hegenbarth, Peter Jeffries and Andrew McKinlay

Agenda

	SECTION 1 : PROCEDURAL MATTERS	
1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meeting held on 8 October 2019	(Pages 3 - 12)
4.	PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received by democratic services no later than 12 noon on Wednesday 30 October 2019 Please email : democratic.services@cheltenham.gov.uk	
	SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.	RESPONDING TO THE CLIMATE EMERGENCY	(Pages

		Report of the Cabinet Member Clean and Green Environment	13 - 72)
6.		CHELTENHAM TRANSPORT PLAN Report of the Cabinet Member Development and Safety	(Pages 73 - 120)
7.		WEST CHELTENHAM/CYBER CENTRAL UPDATE REPORT Report of the Cabinet Member Development and Safety	(Pages 121 - 134)
8.		LEASE RENEWAL - SANDFORD PARKS LIDO Report of the Cabinet Member Finance	(Pages 135 - 192)
9.		THE FUTURE OF PUBLIC CONVENIENCE PROVISION – CONSULTATION OUTPUT Report of the Cabinet Member Clean and Green Environment	(Pages 193 - 218)
10.		LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2020/21 Report of the Cabinet Member Finance	(Pages 219 - 342)
11.		BUDGET MONITORING REPORT 2019/20 - POSITION AS AT SEPTEMBER 2019 Report of the Cabinet Member Finance	(Pages 343 - 354)
		SECTION 6 : BRIEFING SESSION	
		• Leader and Cabinet Members	
12.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	

Contact Officer: Bev Thomas, Democratic Services Team Leader, 01242 264246
Email: democratic.services@cheltenham.gov.uk

Cabinet

Tuesday, 8th October, 2019

6.00 - 6.45 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Alex Hegenbarth (Cabinet Member Corporate Services), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)

Minutes

1. APOLOGIES

Apologies were received from Cllr. Clucas.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 10th September 2019 were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

1.	Question from Adrian Becker to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	While it is excellent that Cheltenham Borough Council have produced the Connecting Cheltenham Strategy, why is there no vision, aspiration or target for reducing travel demand overall?
	Response from Cabinet Member
	<p>The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy focuses upon meeting demand where it arises. In this regard, two urban extensions are allocated to help meet Cheltenham's longer term development needs. West Cheltenham is a good example of how we are seeking to reduce transport demands through well located employment, housing and community uses. We will be using the Connecting Cheltenham Strategy to influence how residents and businesses travel sustainably, linking into availability of homes and employment, routes to train station and town centre, with the focus on walking, cycling and public transport.</p> <p>The data informing the Connecting Cheltenham Strategy has focussed upon travel to work and understanding the share of journeys across different transport modes and the type of trips. Understanding this data will help us to influence future planning decisions, approach to public realm investment and strategies around behavioural change.</p> <p>As part of the preparation of the Connecting Cheltenham Strategy workshops were held with key stakeholders. Much debate was had in</p>

	<p>regards to whether a target should be set for reducing travel demand. The conclusions of this was that given the Connecting Cheltenham Strategy, in part, has been prepared to inform Cheltenham's contribution to the review of the Local Transport Plan, any targets would need to be reflective of the wider county picture. In addition, transport is undergoing disruption. A variety of technological advances are combining to offer new forms of transportation as well as radically changing the way services are delivered and accessed. We will be feeding through our thoughts on this through the Gloucestershire Local Transport Plan review.</p> <p>A transport strategy for Cheltenham needs to deal with what we know now and what we are confident will happen, and should avoid trapping itself in planning for a future that may never arrive.</p>
	<p>Supplementary question from Adrian Becker to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>How can the climate emergency be resolved while CBC strategists assume that 'business as usual' can continue indefinitely?</p>
	<p>Response from Cabinet Member</p>
	<p>The Cabinet Member Development and Safety refuted the claim that it was 'business as usual', suggesting that the report outlines significant changes to be made in the coming years.</p>
2.	<p>Question from Adrian Becker to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>Do Cllr McKinlay, the Cabinet and Cheltenham Borough Council support the sustainable travel hierarchy promoted by the Department for Transport and virtually all organisations that represent planning and transport professionals?</p>
	<p>Response from Cabinet Member</p>
	<p>We have developed a strategy with a focus on modal shift and influencing behaviours to impact on travel demands. The Connecting Cheltenham Strategy prioritises behaviour change, urban design and freight consolidation to minimise demand, and supports a shift towards less environmentally damaging forms of transport (walking and slow modes, cycling, public transport) as set out in the answer to the previous question.</p>
	<p>Supplementary question from Adrian Becker to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>If the Connecting Cheltenham Strategy prioritises behaviour change, as claimed, why is there no target for increasing walking trips, and why are targets for cycling and public transport trips not expressed as increases in modal shares for these modes?</p>
	<p>Response from Cabinet Member</p>
	<p>The Cabinet Member Development and Safety responded that it is currently difficult to apply specific targets to particular trips, and that behaviour change cannot be forced arbitrarily.</p>

5. CONNECTING CHELTENHAM - A STRATEGY FOR TRANSPORT CONNECTIVITY

The report was presented by the Cabinet Member Development and Safety. He acknowledged that it was an emotive topic with great importance for the future of Cheltenham. Transport was a major infrastructure item in any town, particularly in West Cheltenham. Any future development must minimise car use. At this stage, that can only be done as part of a planning process, with no

magic wand available for instant change. He recommended that the Cabinet approve the recommendations in the report, but stressed that it was a starting point for future developments rather than an endpoint.

The Leader of the Council similarly highlighted that the report represented the start of a process. He found the evidence of modal shifts to be encouraging. He also suggested that in the past, the group had been concerned that the Local Transport Plan was too cautious, but it now seems to have taken on a more ambitious direction.

The fifth recommendation in the report was altered to make reference to the Cabinet Member Development and Safety as well as the Executive Director Finance and Assets.

RESOLVED THAT:

1. Connecting Cheltenham be approved as the transport strategy for Cheltenham;
2. the strategy be used as the basis of the council's input into the review of the Gloucestershire Local Transport Plan;
3. the strategy be used in future negotiations across the borough associated with new development through the Section 106 process and to inform future Community Infrastructure Levy allocations;
4. support be sought from Tewkesbury Borough Council to use the strategy in regard to new development outside the borough boundary through the Section 106 process and to inform future Community Infrastructure Levy allocations;
5. authority be delegated to the Director of Planning, in consultation with the Executive Director Finance and Assets and Cabinet Member Development and Safety, to prepare a programme for delivery which identifies short, medium and longer term priorities and the approach to funding; this programme for delivery be brought back to Cabinet for consideration;
6. the strategy be used as the basis for the council to seek funding for its delivery plan.

6. AWARD OF RENT SUPPORT GRANT TO CHELTENHAM SPA BOWLING CLUB

The report was presented by the Cabinet Member Finance.

She reported that, in order to support a thriving voluntary and community sector, the council enabled Voluntary Community Sector groups to rent properties through a rent support grant scheme. Appropriate rent support to community-based organisations and services supported the viability of such organisations and the services they provided to the benefit of the social and economic well-being of the town. However, the council would continue to encourage voluntary and community sector organisations to become more self-sufficient and less reliant upon financial support.

The maximum rent support grant that any organisation could apply for was 80% of their current market rent, and the level of support offered was determined by

an assessment process. In the case of Cheltenham Spa Bowling Club, the market rent was currently £1,700 per year, and would be £3,650 for the new lease offered. A rent support grant of 36%, totalling £1,314 per annum, would be implemented, bringing the new total rent to £2,336 year, an increase of £636.

The grant was for a three year period and would be consistently monitored. After the three years, the club must reapply.

The Leader of the Council commented that we had been following the policy for a while and he was pleased to see the results.

RESOLVED THAT:

1. The following rent support grant be agreed by Cabinet:

Applicant	Recommended rent support grant
Cheltenham Spa Bowling Club	A rent support grant of 36% of current market rent totalling £1314 per annum.

2. the Participation and Engagement Team Leader be authorised to enter into rent support grant agreements with the applicants.

7. WORKSHOP CHELTENHAM

The report was presented by the Cabinet Member Finance.

She reported that recent research indicated that Cheltenham's 1,027 creative businesses constituted nearly 11% of the town's businesses, but currently employed only 4.5% of its workforce and contributed just 6% of its gross value added (GVA). Cheltenham's creative sector was significantly underperforming in comparison to towns of equivalent size. Intervention was therefore needed, with an example being support for the Workshop Cheltenham project. Workshop Cheltenham offered low cost start-up space for the creative industries and an economic growth hub, housed in remodelled shipping containers.

The site identified for Workshop Cheltenham was Chester Walk car park, situated behind Cheltenham's central library building and adjacent to St Mary's churchyard. The car park is under the ownership of Gloucestershire County Council (GCC) and currently used for parking by key social services staff working out of GCC's St George's Road offices in Cheltenham. The council has been working with Workshop Cheltenham, GCC and the Local Enterprise Partnership (LEP) to find a solution to accessing Chester Walk car park in order to facilitate the delivery of the proposal in this location. Following lengthy dialogue with GCC, CBC were proposing a land swap between Chester Walk car park and part of St George's Road car park in order to release the Chester Walk site. CBC would then enter into a lease with Workshop Cheltenham in order to allow them access to Chester Walk to construct the Workshop facility. The proposed land swap offered a further benefit of enabling the upgrade of the St George's Road car park to a higher quality.

The Leader of the Council endorsed the proposal as an example of expanding the Business Advice Network. The proposal would be considered at the County Council Cabinet on 9th October.

RESOLVED THAT:

1. the proposal for facilitating the Workshop Cheltenham project, including a tier 2 growth hub, on Chester Walk car park, be approved;
2. the freehold disposal of that part of St George's Road car park (shown edged red on Plan 1) to Gloucestershire County Council as consideration for the acquisition of land at Chester Walk (shown edged on Plan 2) be approved;
3. authority be delegated to the Director of Corporate Projects, in consultation with the Cabinet Member for Finance and Assets and the Head of Property and Asset Management, to settle Heads of Terms for the exchange of land referred to in recommendation 2) above and for the grant of a lease, not exceeding 10 years from the date of grant, at a rent representing the best consideration that can reasonably be achieved;
4. the Borough Solicitor be authorised to enter into any legal agreements considered necessary or desirable for the Council to put into effect the recommendations in this report;
5. the necessary capital expenditure on works at St George's Road car park pursuant to the land swap be approved, as per paragraph 5.2 and delegates' authority to the Head of Property and Asset Management to agree and implement the works with GCC.

8. IMPLEMENTING AN ARTICLE 4(1) DIRECTION FOR THE ST. PAUL'S WARD

The report was presented by the Cabinet Member Development and Safety. He explained that there was a high level of Houses in Multiple Occupation properties (approximately 12%) in St Paul's ward. CBC had been historically able to control this, but this was no longer the case due to recent government policy. The report proposed that any developer must get council approval for HMO properties. A 28 day public consultation received 8 responses, 7 in favour and 1 objecting. It was therefore requested that Cabinet approve the removal of development right status for HMO properties. He suggested that this served as a trial case for Article 4 directions, and that this was deemed to be a sensible approach to a recently developed problem.

The Cabinet Member Housing placed on record his thanks to the Cabinet Member Development and Safety for his work on seeking a solution to this issue.

RESOLVED THAT:

1. the confirmation of an Article 4(1) Direction, removing the C3 to C4 permitted development right as of 11th June 2020, be approved.

9. BUILDING CONTROL RENEWAL OF SHARED SERVICE PARTNERSHIP AGREEMENT WITH TEWKESBURY BOROUGH COUNCIL

The report was presented by the Cabinet Member Development and Safety.

The council entered into shared service partnership with Tewkesbury in November 2009 for an initial period of 10 years, which was due to expire next month. The report analyses this partnership based on fulfilment of key principles

and recommends a further 10 year continuation. He acknowledged that recent scandals regarding approved inspectors meant that vigilance was required. He highlighted the greater emphasis on commercialisation in the report.

RESOLVED THAT:

- 1. Maintaining the shared service between Cheltenham Borough Council and Tewkesbury Borough Council for a ten year period from expiry of the current agreement be approved;**
- 2. the continued delegation of Tewkesbury Borough Council's building Control functions to Cheltenham Borough Council, as host authority, in accordance with a new agreement under Section 101-(1) of the Local Government Act 1972 and Part 1A Chapter 2 section 9EA of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, be accepted;**
- 3. authority be delegated to the Director of Environment in consultation with the Cabinet Member for Development and Safety and the s151 Officer, to enter into the s101 Agreement and any other required legal documentation and to take all necessary steps to implement the above mentioned resolutions.**

10. BUDGET STRATEGY AND PROCESS 2020/21

The report was presented by the Cabinet Member Finance. She explained that the draft budget timetable attached to the report set out the sequence of events to come, leading up to the setting of the budget and council tax level for 2020/21.

She reported that in 2016/17, the government offered a guaranteed 4 year budget to every council that could demonstrate efficiency savings. 2019/20 was intended to be the final year, with a fair funding review, business rates review and business rates reset anticipated. This was to be concluded in 2019/20 and take effect from 2020/21. However, the political uncertainty surrounding Brexit had resulted in a 12 month deferral to 2021/22.

The Cabinet Member explained that the 2019 Spending Review had been announced in September and represented a single year spending review that covered only 2020/21. A multi-year spending review would be announced next year, with a number of aspects directly affecting local government, including the confirmation that the Fair Funding Review, Business Rates Review and business rates reset have been deferred by 12 months to 2021/22, and a £2.9bn increase in overall core spending power. Most of this additional funding was for adults and children's services, but with £54m allocated to tackling homelessness. Clarification on its distribution has been requested. The Council Tax referendum limit was proposed at 2% but this would be subject to consultation in the Provisional Settlement. Additionally, baseline funding for business rates would be uprated by the CPI, funding to remove negative RSG had been continued for 2020/21, and legacy payments of the New Homes Bonus (NHB) would be honoured but the scheme for 2020/21 was still under ministerial discussion. She reported that 75% business rates pilots would come to an end and no new pilots were planned for 2020/21. A technical consultation would be issued on the settlement, with the provisional settlement being announced in early December.

The Council's approved Medium Term Financial Strategy (MTFS) was predicated on the basis that council tax would increase by 2.99% per annum. However, the proposal to retain business rates growth achieved between 2013 and 2020 for a further year, alongside continued removal of negative RSG, should have a positive effect on the council's funding in 2020/21.

She explained that the MTFS assumed legacy payments for the NHB would be honoured. However, a continuation of the same methodology for a further year could equate to an additional £250k funding in 2020/21. The MTFS projections were in the process of being updated to reflect the best estimates of the financial pressures impacting on the Council, including an updated view on business rates income and the potential impact of the fair funding review, business rates review and business rates reset in 2021/22. The estimate of the funding gap for 2020/21, based on the previous iteration of the MTFS, was £2.414m. Updated high level projections supported a revised worst case funding gap of £1.9m, and a best case of £900k.

The Cabinet Member highlighted that, as in the previous year, given the current uncertainty surrounding financial settlements, it was prudent to defer the full publication of the MTFS projections to the Cabinet meeting in December 2019, as part of the interim budget proposals. This would enable the Cabinet to react positively to any changes announced in the provisional settlement and ensure that the MTFS was robust and fit for purpose.

She explained that part of the drive towards financial sustainability included identifying new opportunities to generate income and investment in projects which provided good financial returns. The commercial strategy aligned closely with other key strategies including place-making, economic growth, digital transformation, workforce and skills development, investment and asset management which have a combined message that Cheltenham Borough Council had entered a new era of business enterprise, growth and innovation. There would be continued work with partners who shared our ambition and values and the best interests of Cheltenham residents would continue to be at the heart of everything we do.

The Cabinet Member referred to the significant investment in plans by the Executive Leadership Team to drive the modernisation programme forward to include delivery of the commercial skills development programme. She explained that later in 2019, the Council's Commercial Forum would be established to review and consider commercial businesses case proposals following the training and mentoring Officers have received.

The Cabinet Member reported that in June 2019, the national MJ achievement awards recognised Cheltenham Borough Council for its efforts in making significant local investments and long-term financial planning to ensure continuity of frontline services and public realm investment. This approach has helped the council manage the impact following the loss of £6.8m in funding since 2010. CBC was named Best Commercial Council for 2019.

The Cabinet believed the longer term approach to finding efficiencies to close the funding gap was fundamentally through economic growth and investment and the efficient utilisation of our assets; linking our Place and Commercial

Strategies to 'Invest in Cheltenham, for Cheltenham'. This had seen a place-focused investment approach offering long term investment, income through rents and other social and financial benefits. ELT's collaborative approach had enabled considerable progress. Examples of this approach included the Workshop Cheltenham project, which would create new jobs, regenerate the surrounding area and bring in rental and business rates, but most importantly act as a growth magnet, encouraging investment and footfall on the fringes of the town centre.

ELT were working closely with Cheltenham Borough Homes to deliver the £100m investment in housing across the borough. This investment would deliver an additional 500 homes across the Borough which matched the needs of our residents. This investment would also provide a commercial return in addition to capital appreciation.

The Cabinet Member reported that in August 2019, the council completed the purchase of 112 acres of strategically important land which formed part of the West Cheltenham JCS allocation. This was the most expensive land purchase ever made by CBC. It would enable the delivery of the Cyber Central vision, and was a significant step forward in achieving the council's corporate plan priority of becoming the UK capital of cyber.

She then went on to say that the starting point for constructing the 2020/21 budget had been a projected mid-range funding gap of £1.2m. Closing a gap of this size represented a huge challenge but was being met by a proactive approach to identify budget inefficiencies, carried out by the Cabinet and ELT. This work had already made significant progress towards bridging the gap, having identified at this early stage potential efficiency savings and additional income of £0.8m.

It was the Cabinet's intention to meet the shortfall in funding in 2020/21 from the budget strategy support earmarked reserve in order to deliver a balanced budget. Work remained to be done towards building a robust base budget for 2020/21 and this may result in the funding gap increasing. In addition, the Government's final financial settlement may be worse than currently indicated. It was therefore important that the work of identifying budget efficiencies should continue up to the publication of the draft budget proposals and beyond. The Cabinet Member Finance explained that government legislation on council tax required councils proposing excessive rises to hold a local referendum allowing the public the right to veto. The proposed referendum threshold for council tax increases was 2 per cent for all local authorities, a 1% reduction of the previous figure.

In terms of service growth, Members would need to base decision-making, particularly requests for additional resources, upon the priorities in the Council's business plan. The Budget Scrutiny Working Group and the Overview and Scrutiny Committee would be invited to review and feedback to the Cabinet their priorities for relevant bids received. These priorities would be considered by the Cabinet when compiling the consultation budget.

Business Rates Retention, Pooling and Pilot arrangements for Cheltenham have higher than anticipated levels of business rates in 2019/20. Taking into account the redevelopments at the Brewery, John Lewis and Jessops Avenue, they were significantly above the baseline funding, which would result in

Cheltenham still being liable to a levy. Taking this into account, the Section 151 Officer believed that this Council would benefit from remaining in the pool in 2020/21, as it would result in a reduction in the levy payment.

The Budget Scrutiny Working Group will continue to support the budget process by considering options for addressing the funding gap, reviewing the work programme, developing Members' scrutiny skills and understanding of financial matters, and developing the approach to budget consultation.

Finally, the Cabinet Member Finance stressed that the priority must be to ensure that government funding cuts did not feed through into significant council tax rises or frontline service cuts. She thanked officers for their commitment and hard work.

RESOLVED THAT:

1. the budget setting timetable at Appendix 2 be approved;
2. the budget strategy outlined in section 5 be approved;
3. the intention for this Council to remain in the Gloucestershire Business Rates Pool in 2020/21 as outlined in section 6 be noted;
4. the Executive Director Finance & Assets and the Cabinet Member for Finance be requested to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2020/21, as outlined in section 7.

11. MUSEUM ACCREDITATION COLLECTIONS DEVELOPMENT POLICY AND DEACCESSION PROCESS

The report was presented by the Leader of the Council, in the absence of the Cabinet Member Healthy Lifestyles.

He reported that the Wilson Gallery had a large collection owned by the Council, and managed by the Trust on its behalf. This arrangement was reviewed every 5 years and was due this month. The existing policy was to be reviewed and updated where necessary. He noted that there was a recurring need for an officer at the council to be responsible on behalf of CBC.

RESOLVED THAT:

1. the updated Collections Development Policy be approved;
2. the CBC Deaccession Approvals process be approved;
3. the Executive Director of People and Change be authorised to undertake the role of the 'responsible officer' on behalf of CBC as the custodian of the Collection .

12. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Housing reported on a local housing project called Thrive, which worked in partnership with Travis Perkins and local schools. The project has won a national award, and he wished to put on record his thanks.

The Leader of the Council congratulated the former Chief Executive, Pat Pratley, for raising over £3,000 for LINC through her retirement fundraiser.

The Cabinet Member Finance reported that an urgent decision had been made regarding the roof of a bulking shed at a recycling depot, which was leaking badly on recycled waste and making it unusable. The decision was made to put a waiver in for this to be fixed, due to the time pressure of the issue.

Chairman

Cheltenham Borough Council
Cabinet – Tuesday 5 November 2019
‘Carbon Neutral Cheltenham – Leadership through Stewardship’
report

Accountable members	<p>Councillor Alex Hegenbarth, cabinet member for corporate services (lead for carbon neutral council)</p> <p>Councillor Chris Coleman, cabinet member for clean and green environment (lead for carbon neutral borough)</p>
Accountable officers	<p>Darren Knight, Executive Director People & Change (lead for carbon neutral council)</p> <p>Mike Redman, Director of Environment (lead for carbon neutral borough)</p>
Ward(s) affected	All
Key decision	Yes
Executive summary	<p>In February 2019, Full Council unanimously called on the Cabinet to declare a Climate Emergency, which was duly announced in July 2019. As part of the motion, Council requested that a report be presented back within six months, with the local actions the Council could take to help address this emergency. This report outlines the actions needed and an indicative timetable, as well as recommending the initial resources required for the authority to effectively gear up to delivering the scale of actions required by 2030. Full Council considered and endorsed the report on 14 October 2019 and made a number of recommendations to Cabinet.</p>
Recommendations:	<p>Cabinet proposes to:</p> <ul style="list-style-type: none"> • Considers and endorses the findings of the ‘Carbon Neutral Cheltenham – Leadership through Stewardship’ report and its associated roadmap; • Make provision in the 2020/2021 budget to make the resources available to deliver the 2030 roadmap (section 7 of the report) • Considers, prioritises and identifies the resources needed to deliver the actions required to meet the 2030 carbon neutrality targets; • Develops an annual reporting process to effectively track progress; • Delegates authority to the Executive Director People & Change and the Director of Environment, to develop the roadmap into a realistic action plan for project delivery, with appropriate business case development taking account of the impact on the Council’s financial position.

Financial implications	<p>The resources needed will look to be identified, as part of the 2020/2021 budget setting process</p> <p>Contact officer: Paul Jones</p> <p>paul.jones@cheltenham.gov.uk Tel: 01242 264365</p>
Legal implications	<p>None arising directly from the report. Where specific projects or actions are required going forward to support the project and implement the roadmap, further legal advice and support may be required.</p> <p>Contact officer: Sarah Farooqi</p> <p>sarah.farooqi@teWKesbury.gov.uk Tel: 01684 272012</p>
HR implications (including learning and organisational development)	<p>Where the additional capacity required is identified as being directly employed staff, the HR team will support the recruitment campaigns to bring in the appropriate skills and expertise.</p> <p>Contact officer: Julie McCarthy,</p> <p>julie.mccarthy@publicagroup.uk Tel: 01242 264355</p>
Key risks	See Appendix 1.
Corporate and community plan Implications	<p>Addressing the climate emergency is an essential and overarching policy principle, which will need to be applied in relation to all Council services and associated activities. Some of the current priorities identified in our corporate plan will need not be reviewed to ensure they are consistent with achieving climate emergency objectives. This will include optimising their contribution to reducing greenhouse gas emissions and ensuring that any negative impacts are identified and either mitigated, or offset in the short term.</p> <p>Sustained and active public engagement on climate change will be of critical importance, including the empowerment of local communities to take actions themselves both in relation to carbon emission reductions and to in becoming more resilient, by helping to mitigate the impacts which rising temperatures will inevitably have.</p>
Equality impact	<p>Climate change will not impact all communities equally and further work needs to be done to analyse how best to tackle the inequalities that are likely to arise without targeted intervention. This could be as a result of global temperature impacts which are already predicted to happen, or as a result of specific actions taken in mitigation.</p> <p>In relation to the workstreams identified within the consultant's report at Appendix 2, projects will need to take careful account of equality impacts in accordance with the council's established approach, including assessments in relation to specific climate mitigation measures implemented under the direction of this authority.</p>

<p>Environmental and climate change implications</p>	<p>The primary purpose of addressing the climate emergency is to ensure Cheltenham contributes to the aim of limiting global warming to 1.5°C and the associated negative impacts of climate breakdown, in support of the IPCC's special report on global warming. It is of grave concern that we are currently on a trajectory which would see global temperatures significantly exceed 1.5°C by the end of this century.</p>
<p>Property/Asset Implications</p>	<p>There will be significant implications for the Council's own property stock, including investment needed to mitigate our carbon emissions and to increase the resilience of buildings in relation to the higher temperatures and more extreme weather events that are predicted in the future.</p> <p>As the borough invests further in commercial assets of high quality and becomes an institutional investor, the environmental considerations are critical to long term capital value. Coupled with tenant/occupier demands through their own corporate objectives and their sustainable goals, this will reinforce the need for CBC to recalibrate its investment criteria, taking careful account of climate change implications.</p> <p>Contact officer: Dominic Stead</p> <p>dominic.stead@cheltenham.gov.uk Tel: 01242 264151</p>

1. Background

1.1 The latest UN climate change report, released on 25th September, 2019, has issued another stark warning regarding the impact of climate change on the world's oceans and coastal communities.

1.2 Here are some of its key findings:

- Sea levels are rising at unprecedented rates, accelerating in recent decades as ice has been melting increasingly fast on Greenland and Antarctica.
- Sea levels are set to rise at an increasing rate and will continue to do so beyond the year 2100, whatever level of emissions cuts are achieved.
- Sea levels are set to rise by 30-60cm by 2100 with strong action to cut emissions and by around 60-110cm with continuing high levels of pollution. Several metres of sea-level rise—Since the mid-20th century, shrinking ice in the Arctic and the world's high mountains have affected food and water security and quality, health, cultures of indigenous people, tourism and recreation such as skiing.
- Coastal communities are facing multiple threats linked to climate change, including more intense tropical cyclones, extreme sea levels and flooding, marine heatwaves, sea ice loss and melting permafrost (areas of previously permanently frozen ground).
- The risk of erosion and flooding will increase significantly under all scenarios for future emissions, with annual coastal flood damages projected to increase 100 to 1,000 times by 2100.
- Marine wildlife and fish stocks are set to decline, while marine heatwaves and more acidic oceans will harm corals.
- This century the ocean is set to shift to “unprecedented” conditions, with higher temperatures and more acidic waters as carbon dioxide dissolves into the seas, while extreme El Nino and La Nina events, which affect global temperatures and weather conditions, will become more frequent.
- Marine heatwaves have very likely doubled in frequency since 1982 and are increasing in intensity.
- Wildfires are set to increase across the tundra and cold northern forests, as well as some mountainous regions.
- Nearly half of the world's coastal wetlands, which protect from erosion and flooding and are important carbon stores, have been lost over the last 100 years, as a result of human activity, sea level rises, warming and extreme events.
- Fragile habitats such as seagrass meadows and kelp forests are at high risk if global warming exceeds 2°C above pre-industrial temperatures, while warm water corals are already at high risk and face “a very high risk” even if global warming is limited to 1.5°C.
- Some island nations are likely to become uninhabitable due to climate change.
- The resources provided by oceans and frozen areas can be supported by protecting and restoring them and reducing pollution and other pressures.
- Urgent and ambitious reductions in emissions are needed alongside coordinated, sustained and increasingly ambitious action, to help people adapt to the changes that already are and will take place in the future.

- 1.3** On 18 February 2019, Council approved a motion to declare a Climate Change Emergency, calling on the Cabinet to:
- Declare a 'Climate Emergency';
 - Pledge to make Cheltenham carbon neutral by 2030, taking into account both production and consumption emissions;
 - Call on Westminster to provide the powers and resources to make the 2030 target possible;
 - Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
 - Continue to work with partners across the town, county and region to deliver this new goal through all relevant strategies and plans;
 - Report to Full Council within six months with the actions the Council will take to address this emergency.
- 1.4** Cabinet formally declared a climate emergency on 9th July, 2019, following the request from Council.
- 1.5** Recognising the scale of the task, responsibility for the work has been split into two workstreams:
- (i) Carbon neutral council
Member lead: Cllr Alex Hegenbarth
Officer lead: Darren Knight, executive director people & change
 - (ii) Carbon neutral borough
Member lead: Cllr Chris Coleman
Officer lead: Mike Redman, director of environment
- 1.6** The resources required to prepare a report for Council was not immediately available and so consultants De Courcy Alexander (DCA) were brought in to deliver this piece of work.
- 1.7** The project has primarily been undertaken by [Simon Graham](#), Head of Innovation at DCA. Simon knows Cheltenham extremely well, having previously worked for a number of years at local company Commercial Ltd, driving the implementation of a very successful sustainability programme and achieving a number of 'firsts' for the company, one of which was first in the sector to be Carbon Neutral and Zero Waste.
- 1.8** The consultant's report 'Carbon Neutral Cheltenham – Leadership through Stewardship' is attached at Appendix 2.

2. The work programme

- 2.1** In order to develop the report, meetings and interviews were conducted with:
- A range of officers from across the council;
 - Key members;
 - A number of external organisations including GCHQ, Superdry and the LEP;
 - Key partners including Gloucestershire County Council, Ubico, the Cheltenham Trust and the emergency services.
- 2.2** All members were able to provide their input through a members' brainstorming session facilitated by Simon Graham; he also attended the public assembly held in August as an observer to listen to the views of the wider community.
- 2.3** A desktop examination of the council's key strategies and plans was undertaken together with data analysis to establish emission baselines for the Council and the Borough.

3. Initial findings and report headlines

- 3.1 The scale of the challenge cannot be underestimated, however Cheltenham is well placed to demonstrate leadership in responding to the climate emergency and this also aligns with the vision for the future of Cheltenham.
- 3.2 There is a genuine, widespread commitment to tackling the climate emergency and many thoughts and ideas about how this can be achieved, which need to be prioritised and directed to maximum effect. There is a wealth of activity already underway within the council and in the wider community on the climate change agenda but, currently, no mechanism exists to effectively share information, so much of the activity isn't known about and opportunities for a more joined-up approach risk being missed.
- 3.3 Baseline emissions, from which progress will be measured, are as follows (further detail available in the report):
- (i) Cheltenham BC annual emissions: 5,060 tonnes CO₂e
 - (ii) Cheltenham Borough total emissions: 459,491 tonnes CO₂e
- 3.4 Significant investment will be required, both in terms of activity and financial resource, to deliver the commitment to be carbon neutral by 2030, but it is achievable.
- 3.5 In terms of activity, the report identifies four major initiatives:-
- (i) The Cheltenham Standard - Creating an identity that shows that activities etc. in Cheltenham are of necessity to a higher standard with a lower carbon impact, aligning with the Cheltenham marketing strategy. For example, to ensure that new developments are 'net positive carbon' dwellings with green space, promote zero-carbon emission transport and are architecturally in keeping with the townscape;
 - (ii) Cheltenham Green Deal - Creating an investment fund that can be used within Cheltenham to achieve the carbon target through individual, community, or collaborative action. For example, to provide low income households with a low-cost loan to update their home to become lower carbon, with repayments coming from their reduced energy costs.
 - (iii) Cheltenham Ultra-Low Emission Zone - Designating an area for zero emission vehicles. The timescale allows operators sufficient time to replace buses, taxis, private hire vehicles, delivery vehicles etc. with zero emission vehicles. Introducing a zone will also reduce congestion and improve air quality.
 - (iv) Cheltenham Energy - Cheltenham already has about 20 Megawatts (MW) of installed renewable capacity. Cheltenham Energy would be an entity that enables the Council, businesses and residents to purchase zero-carbon energy, primarily from local sources.
- 3.6 Initiatives and activities will require robust business cases to be developed, to ensure that the likelihood of successful delivery is optimised. There is a significant opportunity for partnership working across Gloucestershire, especially with other Councils having also declared a climate emergency.
- 3.7 In terms of resource, investment will be required to build additional capacity and to bring in appropriate skills and expertise. Collaboration with partners will be a critical component of various elements of the roadmap; however, retaining local control of resources will help maintain focus on Cheltenham's own commitment and enhance the opportunities for action and success.
- 3.8 The report stresses the importance of wide-reaching engagement and communication to articulate the benefits of carbon neutrality and to ensure that citizens have the opportunity to be fully involved in the project.
- 3.9 Actions have already commenced in relation to the Climate Emergency motion; these are briefly summarised in the Table 1.0 below:

Table 1.0

Climate Emergency Motion	Progress
“Declare a ‘Climate Emergency’”	Completed - Climate emergency declared at July’s Cabinet
“Pledge to make Cheltenham carbon neutral by 2030, taking into account both production and consumption emissions”	Completed - Climate emergency declared at July’s Cabinet meeting
“Report to Full Council within six months with the actions the Council will take to address this emergency”	DCA commissioned to advise on what resources are needed and what needs to be done - see report attached at Appendix 2
“Call on Westminster to provide the powers and resources to make the 2030 target possible”	Completed
“Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C;”	In progress – commitment made to work in partnership with other organisations
“Continue to work with partners across the town, county and region to deliver this new goal through all relevant strategies and plans”	Commenced/on-going

3.10 Reasons for recommendations

3.10.1 The adoption of an interim target is considered to be an important commitment and driver for early action. The report highlights that a percentage reduction is readily achievable, but to achieve zero carbon by 2030 will require a number of ‘big ticket’ items to be put in train early on, due to the lead-in time for setup and delivery of the associated reductions in emissions.

3.10.2 The roadmap sets out how the council’s objectives of a carbon neutral council and borough by 2030 can be achieved, but the report also makes clear this cannot be delivered within the council’s existing staffing capacity; investment in additional resources to bring in appropriate skills and expertise will be crucial and the recommended minimum initial level of investment is £150k.

3.10.3 It is important that this investment is not viewed in isolation, as many of the mitigating actions in relation to the climate emergency will deliver positive benefits in other areas, such as alleviating poverty, adding social value, benefiting the economy and promoting community cohesion and resilience. A number of the activities are also capable of generating an income, which could then be reinvested, creating a virtuous cycle. However, members need to appreciate there will be a need for capital as well as revenue investment and whilst some of this may have ‘invest to save’ potential, this will not always be the case.

3.10.4 The roadmap lays the foundations for activity, but will clearly need to be developed into a more detailed and deliverable action plan, including business cases which will have to be drawn up and specifically agreed for the more ambitious initiatives.

4. Alternative options considered

4.1 Do nothing - in declaring a climate emergency, the Council has already acknowledged both the science and the urgency of tackling the emissions which are accelerating climate change and therefore, the option of doing nothing has been debated and rejected. The report, compiled by independent experts, sets out the roadmap and early actions that would enable the Council to achieve the objectives of a carbon neutral Council and carbon neutral Borough by 2030. A lesser plan would by definition not achieve those objectives.

4.2 Seek to achieve carbon neutrality for the Council and Borough by 2025 – whilst the Council is committed to act speedily, the 2030 target is already ambitious and compares very favourably with the government's proposals for zero carbon 2050. The authority, whilst willing to lead by example, does not have direct control of how third party individuals and organisations respond to the emergency. As such, we would advise that our ambitions do need to be tempered with a degree of realism, to avoid undermining the credibility of the proposed programme.

5. How this initiative contributes to the corporate plan

5.1 Addressing the climate emergency will be an overarching principle which will need to be applied in relation to all Council activity. Some of the current priorities identified in our corporate plan will need to be reviewed to ensure they are consistent with achieving climate emergency objectives.

5.2 This will include optimising their contribution to reducing greenhouse gas emissions and ensuring that any negative impacts are identified and either mitigated, or offset in the short term.

5.3 Climate change will not impact all communities equally and further work needs to be done to analyse how best to tackle the inequalities that are likely to arise without targeted intervention. This could be as a result of global temperature impacts which are already likely to happen, or as a result of action taken in mitigation.

6. Consultation and feedback

6.1 Overview & Scrutiny Committee was asked to consider a number of concepts and questions at a meeting on 9 September and commented as follows:-

- CBH is a key player and it is important that the council provides as much guidance and support as may be needed;
- The question of retrofit or new build was an important one, but there was also a question about whether the council should be building lower-carbon homes at a moderately higher cost, or a lesser number of carbon zero homes at a much higher cost;
- Some political groups in the area might be more progressive than others and therefore, there was a concern about establishing a joint assembly, where it might not be possible to secure agreement on targets;
- One project option would be for the council to bulk purchase from a green energy supplier on behalf of a large number of commercial and domestic customers, thereby securing a more competitive price for local people;
- Planning could generate very positive outcomes and though this might present an initial challenge for developers, a higher up front price may be of benefit to buyers over the long term as they benefit from the reduced bills and carbon emissions associated with higher energy efficiency standards;
- Subsidising bus fares would likely encourage more people to use it as a form of public transport in preference to car use.

6.2 The Chair felt that the fundamental problem was that those things that were killing the planet were also those things that made life more comfortable and certain people the most money. She felt that the carrot was always more successful than the stick, but acknowledged that this was something that would need to be tackled in partnership with other organisations.

6.3 The consultant's report was considered by Full Council on 14 October. Council endorsed the report and made a number of recommendations for Cabinet to:

- (i) Consider and endorse the findings of the 'Carbon Neutral Cheltenham – Leadership through Stewardship' report and its associated roadmap;
- (ii) Write to the relevant Secretary of State, setting out the Council's climate concerns, ambition

and roadmap to take action, formally requesting Government to provide the planning powers, guidance and resources to local government to make the 2030 target feasible;

- (iii) Subject to available resources, consider setting a challenging interim community-wide target for achieving a reduction in borough-wide carbon emissions by 2025, to provide a clear signal of the scale of the local ambition to take effective action;
- (iv) Consider, prioritise and identify the resources needed to deliver the actions required to meet the 2030 carbon neutrality targets;
- (v) Develop an annual reporting process to effectively track progress;
- (vi) Delegate authority to the Executive Director People & Change and the Director of Environment, to develop the roadmap into a realistic action plan for project delivery, with appropriate business case development taking account of the impact on the Council's financial position.

6.4 In response to recommendation (ii) a letter has been drafted and is attached at appendix 3.

6.5 An extract of draft minutes from the council meeting is attached at appendix 4.

7. Financial implications

7.1 The DCA report recommends initial 'seed funding' of £150,000 per year, to fund additional staffing resources in order to create the capacity and capability to develop the business cases for the initiatives outlined in the roadmap and to identify and secure external funding to enable climate emergency projects to progress.

7.2 The Council does not currently have the capacity and range of capabilities to fully take forward such an ambitious agenda and so the 'seed' funding will need to be identified, as part of the Council's budget setting process for 2020-21.

7.3 In terms of capital investment, the authority will need to have careful regard to the business case for individual projects, to ensure that these can be supported within the context of the Council's Medium Term Financial Strategy. As the issue of climate change is a priority by definition of the Council's declaration of an emergency, it would be sensible for the Council to review all of its existing and planned expenditure commitments with a view to their potential climate impact.

8. Community engagement

8.1 The Council acknowledges that in pursuit of the 2030 target, we will require a comprehensive approach to engagement involving residents, communities, businesses and partner organisations.

8.2 The Council also recognises that much work has been done on this previously, for example through the excellent work of Vision 21 and the Severn Wye Energy Agency, but we will need more support to re-energise this approach, which will involve a financial ask of government.

9. Progress in reducing emissions

9.1 Since declaring a climate emergency, the Council has reviewed its electricity purchase arrangements and since 1st July, its renewable supply now comes from 100% renewable sources (solar, wind and hydro/wave) and doesn't involve biomass. This relates to all operational buildings where the authority pays for the power supply.

9.2 In 2012, through the Council's ALMO Cheltenham Borough Homes, the Council approved the development and funding of a Sustainability and Energy Reduction Strategy for the housing stock, this included a pilot project to install solar photovoltaic systems (PV); systems were installed on

49 homes between November 2012 and early 2013.

- 9.3 Following the successful delivery of this project and a review of the housing portfolio to determine which other properties would be suitable for the installation of PV, a capital budget of £3m was obtained to deliver a programme of installations providing energy savings to customers, with the expectation that the capital outlay would largely be recovered (allowing for maintenance costs) through the Feed-in-Tariff (FiT) the installations would attract over 20 years. Due to the implications of right to buy, flats, with the exception of those in sheltered schemes, were excluded from the project. The majority of systems were fitted in 2014, with a total equivalent of over 800 systems being fitted; with larger systems being attributable to communal systems at sheltered schemes where it was not possible to connect to individual flats.
- 9.4 These PV systems are providing enough electricity to power about 350 homes (almost 1.5 million kWh or units of electricity) each year. Savings for customers over the whole operating period to date is estimated to be £493,000 (based on an assumed 50% usage and 14p/kWh)
- 9.5 FiT grant received to date is already approximately £1.2million, so the original investment is well on-track to be repaid over the lifetime of the grant and the CO₂ saving is estimated at about 750 tonnes per annum.
- 9.6 The SAP rating of properties fitted with PV was raised by approximately 8 points, giving an overall 2.2 point rise in the average SAP across the Council's housing stock.

10. Performance management – monitoring and review

- 10.1 The report sets out the requirement for an annual calculation of carbon emissions, which will be used to measure and critique the direction of travel. The recommendation to develop the roadmap into an action plan will also involve setting milestones against which to report annual progress.
- 10.2 Progress against the 2030 'net zero' target will also need to be integrated with the Council's performance management and monitoring framework.

<p>Report authors</p>	<p>Contact officers:</p> <p>Mike Redman, Director of Environment <i>mike.redman@cheltenham.gov.uk</i> Tel: 01242 264160</p> <p>Darren Knight, Executive Director of People and Change <i>darren.knight@cheltenham.gov.uk</i> Tel: 01242 264137</p>
<p>Appendices</p>	<ol style="list-style-type: none"> 1. Risk Assessment 2. 'Carbon Neutral Cheltenham – Leadership through Stewardship' consultant's report 3. Copy of letter sent to Secretary of State for Business, Energy and Industrial Strategy 4. Extract of draft minutes from Council meeting on 14 October 2019
<p>Background information</p>	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the roadmap is not agreed then the pledge for the council and borough to become carbon neutral by 2030 will not be achievable, resulting in increasing local criticism and associated reputational damage	ELT	Sep 2019	5	6	30	Reduce	Accept report recommendations		Darren Knight Mike Redman	
	If elements of the roadmap are not agreed then the ability to deliver a carbon neutral council and borough by 2030 will be severely impacted	ELT	Sep 2019	4	5	20	Reduce	Accept report recommendations		Darren Knight Mike Redman	
	If the Council does not act to reduce its own emissions and facilitate a reduction in the wider borough, it will weaken its local leadership position	ELT	Sep 2019	5	4	20	Reduce	Accept report recommendations		Darren Knight Mike Redman	
	If effective action is not taken to mitigate greenhouse gas emissions and adapt to the consequences of climate change, vulnerable groups are likely to be more severely impacted than others	ELT	Sep 2019	4	6	24	Reduce	Accept report recommendations		Darren Knight Mike Redman	
	If the Council does not identify sufficient funding and staffing resources to	ELT	Sep 2019	5	6	30	Reduce	Accept report recommendations		Darren Knight	

	deal with the scale of the emergency, the delivery of the roadmap will be compromised									Mike Redman	
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Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

Carbon Neutral Cheltenham

Leadership
Through
Stewardship

Executive Summary

In 2019, Cheltenham Borough Council declared a climate emergency and a commitment to be a carbon neutral Council and Borough by 2030. This goal will be met by activity that will promote the town's core vision and strategy and enhance the experience of people in the town.

The actions that the Council can take that will reduce its footprint from 5,060 tonnes CO₂e, the equivalent of 625 UK households, to zero in the timescale include the following:

- Ensuring all policies and actions align with the carbon neutral target
- Procuring 100% renewable electricity at all sites
- Introducing a zero carbon sports and leisure experience
- Upgrading the crematorium to zero carbon operation
- Introducing a Net Positive council office as the headquarters of the Council
- Developing the business case for renewable energy, like wind and solar power, on suitable sites
- Installing solar powered storage and charging infrastructure in Council owned car parks
- Moving the base of fleet operations to a Net Positive depot
- Rolling out a zero emission fleet
- Planting one million trees

The roadmap to eliminate the Borough carbon footprint includes action on leadership, engagement, energy, transport and buildings. The net result of this will be to reduce Borough emissions from a baseline of 459,491 tonnes CO₂e, or the size of a country like Belize, to zero. The process will start by including the community in co-creating with the delivery of the vision to ensure that the road to carbon neutrality is owned by the people of Cheltenham. The roadmap includes major initiatives like the following:

- The Cheltenham Standard, a visionary statement for setting a benchmark for low-carbon living
- Lead by Example, a programme of demonstration projects to help break down barriers to the adoption of zero carbon solutions
- A Climate Action Fund to finance the road to zero carbon

- Cheltenham Green Deal, broadening access to carbon reduction initiatives to communities that cannot afford the high capital expenses
- Community engagement, building capacity for local people to be fully involved
- Climate Champions, inspiring communities and enterprises to find new solutions
- Cheltenham Energy, a new local zero emission energy provider facilitated by the council
- Smart Cheltenham, a vision for integrated living in West Cheltenham that promotes a low carbon lifestyle
- Zero carbon hubs, decentralised futureproof centres promoting zero emission mobility
- Return to Regency, a competition for developers to demonstrate leadership and innovation to build carbon positive communities

In addition to the benefits that achieving zero carbon will have on climate change, a well-managed carbon neutral programme will also offer substantial positive effects on a wide range of other issues, including fuel poverty, air quality, health and well-being, resilience and economic growth.

To deliver this vision will require resources and capacity building. In addition to internal staff and external expertise, substantial project and collaboration funding will be required. The projects and programme will require detailed business cases; the viability of these may change during the period due to factors like the level of readiness for emerging technologies, particularly in low carbon heat. However, the availability of the Climate Action Fund and already identified funding streams will mean that the programme is capable of being managed in a very cost effective manner.

The programme will be monitored annually with interim milestones, ensuring that the Council and Borough targets remain on track.

The vision for 2030, is that Cheltenham fulfils its vision to be a place: where all our people and the communities they live in thrive; where culture and creativity thrives, celebrated and enjoyed throughout the year; where businesses and their workforces thrive and where everyone thrives, in a setting that is net zero carbon and recognisably, iconically Cheltenham.

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Background

Cheltenham is a place...

- where all our people and the communities they live in thrive.
- where culture and creativity thrives, celebrated and enjoyed throughout the year.
- where businesses and their workforces thrive.
- where everyone thrives.

Cheltenham Place Strategy¹

Nestled between the Severn Valley and the Cotswolds, Cheltenham is a town of contrasts. Home to one of sporting's greatest events and a string of festivals of international renown, the Regency town, steeped in architectural beauty, is also one of the world centres for cyber security, hosting the headquarters for the UK intelligent services at GCHQ. It counts some of the richest and the poorest in the county among those who call Cheltenham home, with both recent arrivals and families that have been in the area for generations.



Pittville Pump Room

Cheltenham has ambition to be “a place where everyone thrives”.¹

¹ Cheltenham Borough Council *Cheltenham. Place Vision.* 2019
<http://bit.ly/2IUHzRR>

The Place Vision for Cheltenham sets out what the town aspires to be. A place where people and their communities, culture and creativity, businesses and workforces all thrive. The town is a cultural centre, attracting over 250,000 people to Cheltenham Festivals each year and 65,000 a day to Cheltenham Gold Cup festival. It is a centre for enterprise, with over 72,000 jobs in industries ranging from electronics to fast fashion.

Part of this vision is a desire to lead in environmental stewardship, particularly in reducing the Borough's impacts on climate change. Although Cheltenham has been engaged in carbon management for decades, led by prophetic voices urging action emanating from within the Borough through organisations like Vision 21 and prominent visionary individuals like Jonathan Porritt, the urgency for action has changed radically in 2019.

In February, Cheltenham Borough Council unanimously passed a motion that called on the Cabinet to declare a "climate emergency". More than that, the Council called for Cabinet to set out a plan for taking action in response to the emergency.



On July 9th, the Cabinet declared a climate emergency and included actions to respond to the requests of Council.² These included proposals to:

- Make Cheltenham carbon neutral by 2030;
- Call on Westminster to provide the powers and resources to make achieving this target possible and to work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C
- Continue to work with partners across the town, county and region to deliver this new goal, through all relevant strategies and plans;
- Report to full Council with the actions the authority will take to address the emergency.

² Cheltenham Borough Council *Cheltenham Borough Council declares a climate emergency 2019* <http://bit.ly/2IMdEvp>

The Council is not alone in this venture. On April 30th, Cheltenham's MP sponsored the widely welcomed Climate Change (Net Zero UK Carbon Account) Bill which requires the UK to achieve a net zero carbon budget nationwide. Simultaneous with Cheltenham, other District Councils in the county, as well as the County Council, also declared climate emergencies.

In July 2019, following the Cabinet's declaration of a climate emergency, the first actions to achieve this were instigated. Principally, Council requested a carbon emission baseline for both the Council and the borough, a roadmap for making progress towards making the Council and Cheltenham carbon neutral by 2030, and identification of the resources needed to deliver the activities. This report aims to help meet this need.



Carbon neutrality

According to The CarbonNeutral Protocol³, to achieve carbon neutrality requires five steps:

1. Define the Subject
2. Measure the Subject's emissions
3. Set Target
4. Reduce Emissions
5. Communicate

To achieve carbon neutrality for Cheltenham, therefore, the first step is to define the boundary for the footprint. For the Council, the boundary is defined following the Greenhouse Gas (GHG) Protocol⁴ to include its operations in the borough, including a fraction of shared services in proportion to ownership. Operations of the Council's housing management company, Cheltenham Borough Homes (CBH), the buildings operated by the Cheltenham Trust and services undertaken by Ubico for the Council are included.

Not included are the impact of operations outside the Borough, including the manufacture of goods used by the Council and investments such as pensions. Activities undertaken by Council employees outside the Borough for Council business, such as travel to meetings, and the impact of significant investments where the Council is a major shareholder, are included. It also includes the positive impact of any investments that the Council makes, for example, in renewable energy.

For the Borough, the boundary defines the geographical area after the Local Government Act 1972,⁵ with the alterations effected under The Gloucestershire (District Boundaries) Order 1991.⁶ Emissions are defined according to the GHG Protocol for Cities.⁷

³ Natural Capital Partners *The CarbonNeutral Protocol: The Global Standard for Carbon Neutral Programmes* 2019 <http://bit.ly/2IM2yqf>

⁴ World Resources Institute/World Business Council for Sustainable Development *GHG Protocol Corporate Accounting and Reporting Standard* 2012 <http://bit.ly/2ISObAa>

⁵ <http://bit.ly/2kTk2AD>

⁶ <http://bit.ly/2mpsZST>

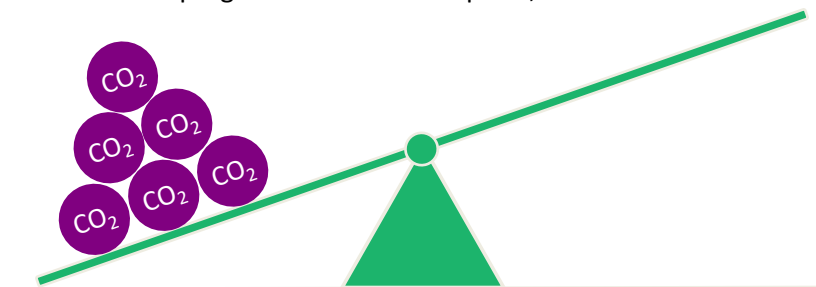
⁷ World Resources Institute *Global Protocol for Community-Scale Greenhouse Gas Emission Inventories* 2014 <http://bit.ly/2kfeDnd>

This means that everything that takes place in the Borough is counted, including the effect of visitors and the footprint for any products or services originating in the Borough, even if these are sold outside. However, it does not include the impact of manufacturing goods made outside the Borough and of travel outside the Borough by Cheltenham residents, like catching the train to Bristol.

The carbon footprint is measured according to the GHG Protocol. Activity over a complete year will be considered, and the consequent footprint reported in tonnes of carbon dioxide equivalent (t CO₂e) so that all greenhouse gases listed under the Kyoto Protocol and currently targeted for reduction are included. These are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons, perfluorocarbons, sulphur- hexafluoride (SF₆), and nitrogen trifluoride (NF₃).

The Council has defined the target as zero, but following best practice, we recommend setting a challenging interim target and monitoring arrangements to ensure that the target is met. Experience has shown that a well-run programme includes both low investment/quick return activity and high investment/high return projects that yield results later in the programme.

The reduction programme has three aspects, which can be illustrated.

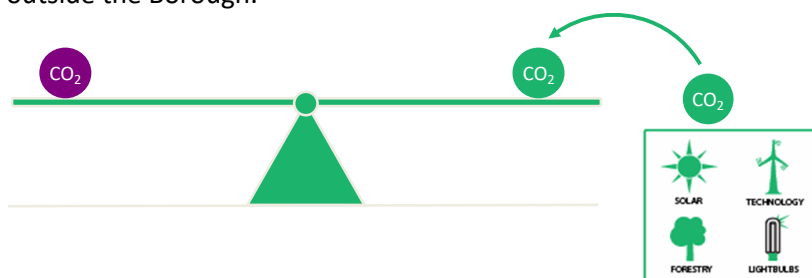


The first aspect is to reduce internal emissions. This means undertaking activities, for example, to reduce energy use.

The second aspect is to ensure that as far as is practicable, the energy used is zero carbon. This means, for example, investing in solar energy and other renewable energy sources.



The third aspect is to invest in external emissions reduction. For example, this could be by investing directly in solar energy generation outside the Borough.



The combination of these activities is to reduce the net carbon footprint to zero.

Simultaneously, a wide-reaching engagement and communication campaign is needed, to communicate the benefits of carbon neutrality and also ensure that citizens are fully involved in the project. For example, this could be through a forum like a citizens' assembly for the Borough, or a staff team for the Council.

Two key aspects underpin the programme. Firstly, there is an understanding of the cost of carbon. It is becoming more common for authorities to cost carbon to enable decision making and this is a key recommendation for Cheltenham.

Secondly, the Council will need to ensure that all policies are framed through the lens of carbon management and the carbon implications all activities are managed. Cheltenham Borough Council currently interrogates the climate change implications of every decision. To become carbon neutral, means taking into account the positive and negative carbon implications of decisions across the Borough.

The Council's ambition to be carbon neutral by 2030 requires Cheltenham to become a more sustainable community, with a better quality of life, through a process that includes all citizens.



This requires leadership, but also a clear vision of what Cheltenham will be. Let us take a journey forward and see what 2030 may hold.

A Letter from the Future

*Cheltenham
December 31, 2030
Dear Jack,*

We have had a lovely time in your old haunt Cheltenham. Thank you for your advice about where to stay. You are completely right about the awesome welcome and the quality of the accommodation. That has not changed in the last decade.

What you will not recognise is the atmosphere. I don't mean the festival feel, which was probably as lively then as it is now. The big change is in the quality of the air. We arrived and parked up in one of the fabulous new interchanges and were whisked into town on one of the new buses. Like everywhere these days, they are electric. But what I loved was the way they seemed so popular with everyone, not just visitors like us. I chatted to a young woman working at the cyber park. She had grown up in the town but had to leave because she could not afford to live here. She is now living in one of the new carbon positive homes that have been built near her work. She described the lovely community she is living in, with old and young together, and how easy it is to walk and bike to work. She said that the streets have never been safer.

I know exactly what she means. When we got into town, it was really buzzy. This must be the best place to shop in England. And everyone was walking. It reminded me so much of the old pictures of Cheltenham from two hundred years ago. The promenade is really well named! And there are loads of green spaces. This really is a place of tree-lined avenues. One nice touch, though, was the energy meter in the centre of town. I know I'm a bit of a geek, but it was great to see it swinging in the "green" to show that Cheltenham is making renewable energy. I think we should get one of these in our town square!

We also went to the Gloucestershire Motorshow while we were here. It was interesting seeing all the old cars. Now that new petrol cars are unavailable, it does not seem so weird that Cheltenham has so many electric vehicles, especially given the reputation the place has for the work on vehicle security, but I was also chatting with a real

petrolhead about the change. She was amazed at how quickly people dropped fossil fuels. I know it seems weird now, but there was a time when people couldn't charge their cars at home here! Can you imagine what it would do to your house price if you didn't have a charging point these days!

Anyway, we're off to another event this evening. The new zero carbon festival spaces and venues in Cheltenham are awesome.

You must come back. Cheltenham seems to have managed to combine the new with the old. It really feels like a regency town for the 2030s.

Love,

Jill

Today

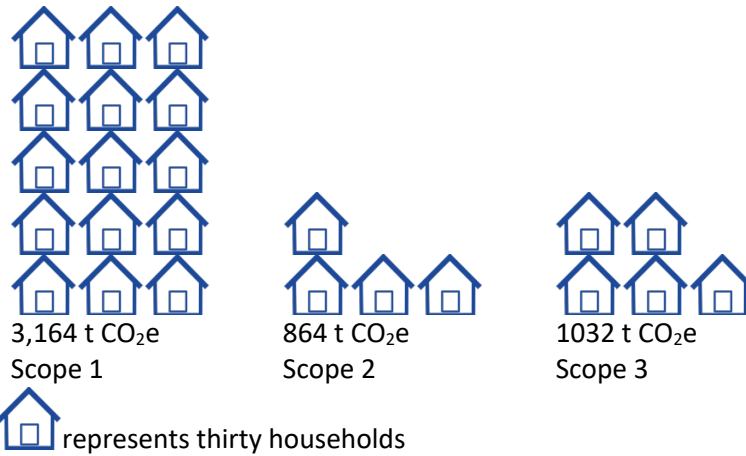
Cheltenham is the home of many activities that have reduced its carbon footprint, from large corporate investments by companies, to many small individual actions. This means that the town is working from a rolling start.



Cheltenham Borough Homes has installed over 6000 solar panels

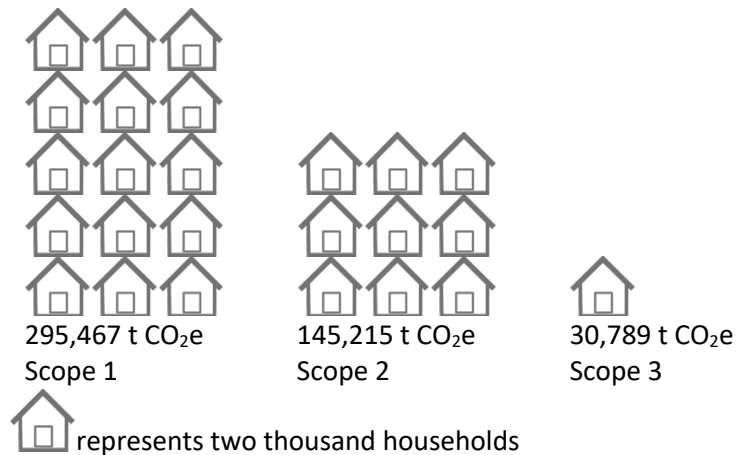
When measuring carbon emissions according to the GHG Protocol, we split them into three categories, known as scopes. Scope 1 emissions are from sources within the boundary. For the Council, this includes the burning of fossil fuels in Council assets like buildings or vehicles. For the Borough, it means all fossil fuels burnt within the Borough, like emissions from buses or domestic gas boilers. Scope 2 emissions are the consequence of the use of grid-supplied utilities, such as electricity. Scope 3 emissions take place outside the Borough. Scope 3 emissions are very broad and have been restricted to the effects of activities like business travel, commuting for Council employees, transmission losses for electricity generated outside the Borough and waste which leaves the Borough for processing.

The baseline footprint for the financial year 2018/2019 (FY2019) for the Council was 5060 t CO₂e. This is the equivalent of 625 typical UK households.⁸



The biggest source of emissions was Leisure@ Cheltenham, which produced 1,190 t CO₂e.

The baseline footprint for FY2019 for the Borough was 459,491 t CO₂e, which is similar to the footprint of a small country like Belize.



The biggest source of Borough emissions was domestic gas use, which produced 128,345 t CO₂e.

⁸ Based on figures from the Committee for Climate Change for 2014



Renewable energy in the Borough is primarily through roof-mounted solar panels and the Springbank wind turbine. The generation capacity for renewables in 2019 from the three substations that feed Cheltenham⁹ was 22,011 kVA. Not all this capacity is within the Borough and not all is likely to be running at full capacity at any time, so renewable energy generated is estimated to save 3,237 t CO₂e during the year.

Tree cover is estimated at 32% and captures approximately 200 t CO₂e a year across the Borough.¹⁰

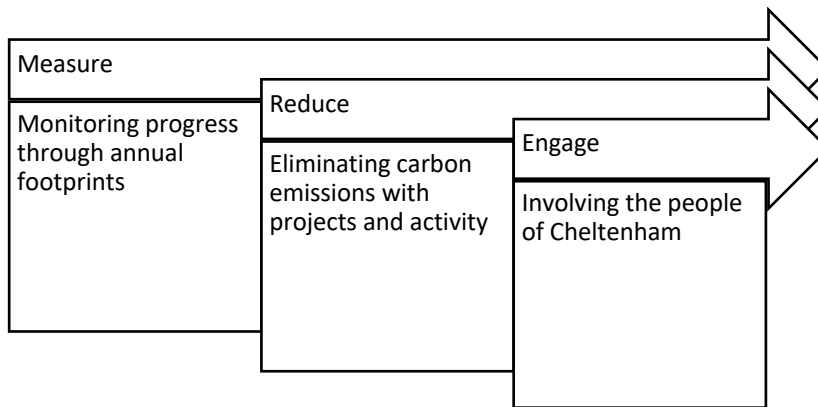
⁹ In addition to the substation named Cheltenham, the town also relies on power from substations at Marle Hill and Montpellier

¹⁰ Based on LULUCF data for 2007 to 2017 courtesy of National Statistics

Ambition

Perhaps the most dangerous misconception about the climate crisis is that we have to “lower” our emissions. Because that is far from enough. Our emissions have to stop if we are to stay below 1.5-2C of warming. The “lowering of emissions” is of course necessary but it is only the beginning of a fast process that must lead to a stop within a couple of decades, or less. And by “stop” I mean net zero – and then quickly on to negative figures.

Greta Thunberg



Achieving carbon neutrality is a journey which will definitely require a break with the norm.

To discover how this ambition can be realised, this report has relied on input from a wide range of stakeholders, including council officers and members, representatives from organisations like the Business Improvement District (BID) and Local Enterprise Partnership (LEP), major employers, other Councils and local experts. It has also drawn on a wide range of existing research, local knowledge and experience from other organisations, to ensure that the presented suggestions are feasible and capable of achieving the stated objectives. However, it is important to note that the future is unpredictable, so no absolute guarantees should be implied in any of this report. Its conclusions will need to be tested, challenged and refined as the carbon reduction programme is implemented.

Carbon Neutral Council

The potential list of projects to achieve carbon neutrality by 2030 for Cheltenham Council is extensive. To set priorities, it is essential to understand the investments required for the return, the risks associated with undertaking or not undertaking the project and the resources and timescales that will be required. It is therefore recommended that one of the first tasks is to create a business case template, that presents the environmental, social and financial case.

An example programme that would enable the Council to achieve carbon neutrality is presented below. The table is laid out with a potential timescale and carbon reduction impact. The reduction is an estimate. The actual reduction is likely to be different, not least because there will be cumulative effects, as many of them will be concurrent.

	Possible timescale	Potential annual effect
Zero carbon Leisure@	2020/2022	-1190 t CO ₂ e
Net positive depot	2021/2025	-970 t CO ₂ e
100% renewable electricity	2019/2020	-860 t CO ₂ e
Solar car parks	2021/2023	-800 t CO ₂ e
Solar farm	2025/2027	-530 t CO ₂ e
Zero carbon crematorium	2023/2024	-250 t CO ₂ e
Net positive council office	2021/2025	-180 t CO ₂ e
Zero emission fleet	2020/2026	-70 t CO ₂ e
One million trees	2019/2025	-1 t CO ₂ e

The total of all reductions is greater than the current baseline as it is expected that there will be increased demands on the Council during the period as Cheltenham grows, so there will be a need to take unexpected increases into account.

Zero carbon Leisure@ Cheltenham



One of the largest carbon emitters in the Borough is Leisure@ Cheltenham. The pool is heated by a combined heat and power (CHP) plant which is relatively efficient, but relies on natural gas, a fossil fuel. The site is well placed to explore alternative sources, like Schlumberger ground source heat pumps (GSHP), solar water heating and photovoltaic panels, as well as district heating and other technologies.

Net positive depot

Most of the vehicle carbon emissions reported by the Council come from Ubico providing services like waste collection and recycling. They currently operate from a very constrained depot site.

Creating a new net positive depot and recycling facility would eliminate nearly 1,000 tonnes of greenhouse gases by introducing zero emission refuse collection and other service vehicles, replacing fossil-based natural gas with reclaimed biogas, producing low carbon energy, eliminating cross-shipment of recyclables and utilising low carbon heat from waste. The timing of this project will rely on the availability of vehicles, which are currently in limited supply, and an appropriate new site, so it is recommended that it be initiated early in the programme to ensure timely delivery.

100% Renewable Electricity

Procuring 100% renewable electricity is a step that all organisations and people can take to reduce their impact on climate change. It is recommended that Cheltenham join RE100 and commit to using 100% renewable electricity.



Solar Car Parks

Across the town, CBC owns twenty-nine car parks, many of which are ideally sited to provide charging infrastructure for electric vehicles. They also provide an ideal location for solar charging and storage.

Other sites in Cheltenham with car parks are exploring similar installations, so there may be opportunities to collaborate.



Solar Farm

As part of the consultation on the Borough Council's 2015/16 budget, a proposal was put forward for a Council owned solar farm. At the time, the financial conditions were not ideal. However, the subsequent change in the economics of solar for the Council means that large scale installations, as well as smaller ones, are now cost-effective ways to deliver carbon savings. The economics of energy storage also need to be reassessed. Identifying sites for solar installation will require a new and accurate assessment of all Council owned property.

Zero Carbon Crematorium

The crematorium has recently been upgraded to higher energy efficiency, reducing the carbon footprint of the operation, but there are further opportunities to reduce emissions, including moving away from fossil-based fuels.

Net Positive Council Office

The existing modernisation initiative has already yielded some positive carbon benefits, but the constraints of the existing office arrangements mean that it could be very expensive for the Council to have a zero carbon operation.

However, this also provides a huge opportunity. The Council can use its choice of a new smaller headquarters designed to demonstrate leadership by showing that a local authority can be based at a centre that is an exemplar for its purpose, accessible and cost effective, whilst also being a net positive contributor to the Borough's carbon footprint.

Zero Carbon Fleet

The Council, Cheltenham Borough Homes and Ubico operate a range of vehicles in the Borough, including twenty-three refuse and recycling vehicles, street sweepers, vans and cars. A preliminary assessment demonstrates that by 2030 the entire fleet can be zero emission. Cheltenham is fortunate in being the headquarters of one of the few operational hydrogen fleets in the UK, as well as having Council employee experience of electric vehicle operation, which will help ensure that the technology roll-out is operationally viable.

Expanding this operation to include a desirable pool fleet would reduce the use of employee vehicles for work purposes (grey fleet) and thus Scope 3 emissions even further. More Scope 3 emission reductions can be gained by rolling out an 'electric vehicle for staff' scheme.



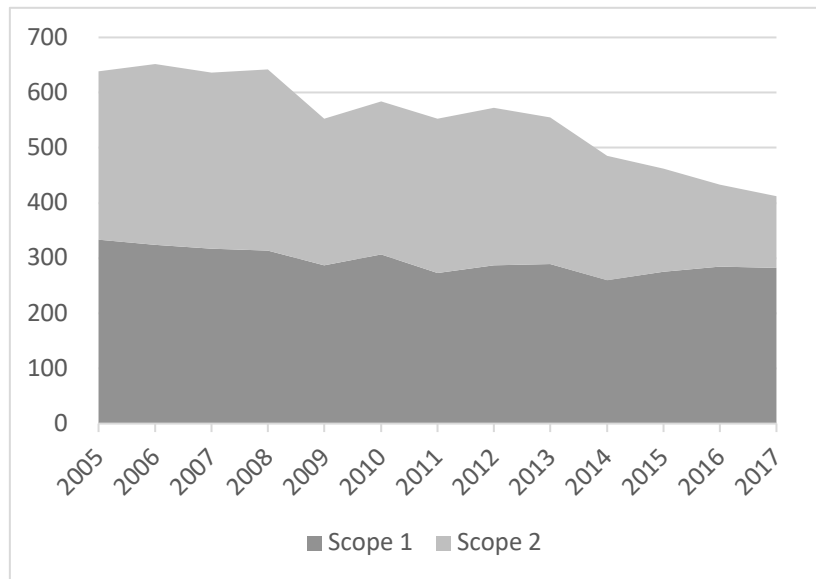
In addition to the car park infrastructure listed above, the Council will need to introduce dedicated electric charging points in areas like the Council offices, to further support the roll out of electric vehicles to replace those powered by internal combustion engines.

One Million Trees

One of the commonly requested initiatives, from elected members and the public, was for more tree planting and others have set such targets. Currently, annual tree planting measures in the low hundreds, which will not keep pace with natural losses. It is recommended that the Council works with partners such as the Rotary Club, County Council, Parish Councils and The Woodland Trust to facilitate the planting of a net million trees. Not only would this contribute to the net zero target, but it could also form a key part of the communication campaign. Although initial gains are low, over the lifecycle of the tree, greenhouse gas mitigation gains are potentially very high and trees have other benefits in relation to biodiversity, air quality and mental well-being.

Carbon Neutral Borough

For more than a decade, carbon emissions for Cheltenham Borough have been on a general downward trend, but there is a need to go further and faster.



Historical emissions for Cheltenham Borough (1000s t CO₂e)¹¹

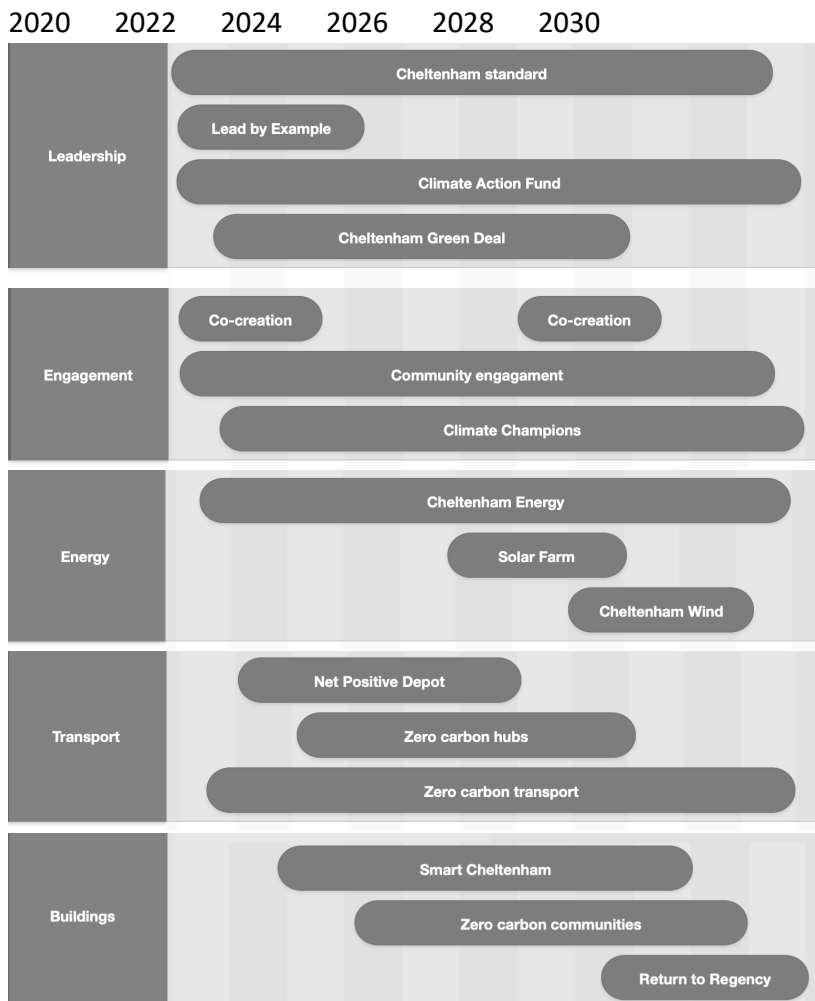
This trend provides an excellent position from which to push for future reductions. This is supported by public opinion in the Borough, which has been consistent in vocalising a desire for Cheltenham to invest more in climate-friendly initiatives like green spaces, renewable energy and public transport.¹²

¹¹ Data from BEIS

¹² For example, The Community Plan and Local Development Framework consultation in 2006 and the Budget Consultation 2015/16

Roadmap

The following outline roadmap is proposed to achieve zero net carbon in Cheltenham Borough by 2030.



The roadmap covers a wide range of activities that are grouped to ease understanding, rather than to imply priority. The timescales are forecasts based on current knowledge and a reasonable assessment of dependencies but will require regular review.

Leadership

The Cheltenham Standard

Cheltenham has inspired visitors for over two hundred years with its motto “Salubritas et Eruditio”. Salubritas means health and wholesomeness, exemplified by the wide green spaces and health-giving waters which were the town’s hallmark. Eruditio comes from the town’s reputation as a seat of learning and inspiration; it implies a spirit of exploration and innovation.



For Cheltenham to thrive in the 2020s, the town needs to reclaim its identity. It is too often, “underrated”¹³ and treated as “just another town”. Yet Cheltenham as a destination is known for four things: its cultural and sporting life, its architectural and green heritage, its retail offering and its leadership in cybersecurity.

The Cheltenham Standard is a way to bring the values that make Cheltenham unique back to the forefront, through the lens of the zero carbon ambition. To achieve the Cheltenham Standard means operating in a way that is consistent with carbon-neutral Cheltenham values. This means designing an infrastructure that promotes promenading (walking) over driving, tall crescents of elegant carbon positive townhouses with balconies to reduce solar gain, health giving green spaces built for cultural activity, integrated transport that uses technology to eliminate car dependence and breaking down barriers between the old and young to promote lifelong learning.

Implementing the Cheltenham Standard will require setting up the brand, criteria, verification and accountability structure. The Standard will cover many activities, potentially including cultural events, building development, private hire operation and education. Depending on the application, it will cover the full life-cycle of the product or service, which may include design, implementation, operations and repurposing, or content development and delivery.

¹³ Harriet O'Brien “There's so much more to underrated Cheltenham than a day at the races” *Daily Telegraph* 8 March 2019

This is an elegant gem of a destination that oozes cultured charm
Harriet O'Brien, Daily Telegraph

Lead by Example

Fear is a potent barrier to adopting low carbon technologies. Cheltenham can help remove the fear by leading by example.



For instance, Cheltenham Borough Homes (CBH) owns a wide range of dwellings. With sufficient resources, CBH can retrofit these to demonstrate how any homeowner can reduce their impact on climate change or become net carbon zero.

Preliminary discussions show that between six and twelve property areas could be used to demonstrate a range of solutions to climate change, fuel poverty and the health risks of excess cold, as well as increasing biodiversity and citizen engagement. Following these demonstrators, a business case will be co-created with the Council and other agencies to make the entire CBH portfolio carbon neutral. Based on current predictions, the business case is expected to improve over the period due to economic, social and technological changes so a phased implementation is likely to be followed.

The commitment shown by this leadership will encourage the growth of the sustainable green economy around green retrofit, improving skills and employment opportunities. Cheltenham is well-placed to encourage this through apprenticeships and education programmes that build on existing relationships.



Climate Action Fund

A significant barrier to climate change mitigation is often the availability of resources to invest. While there are many grants and funds available, there is a need for unrestricted funds to help ensure that the Borough achieves its target. To this end, it is proposed that an Action Fund be created to issue Green Bonds, manage applications and ensure the smooth financial running of investments. The Action Fund will provide a useful outlet for funds divesting from fossil fuels, including those held by local authorities and local investors.

It is recommended that the management of the Action Fund be undertaken by a responsible and accountable organisation, which will be structured according to social values. The experience of local energy co-operatives may be valuable.

Cheltenham Green Deal

It is recommended that the business case for the Action Fund providing financing for individual projects under a green deal mechanism be explored. Working in partnership to reduce risk and ensure appropriate expertise, this could support activities like insulation and draught-proofing by providing finance to individuals and small enterprises. Preliminary research indicates that there is a substantial opportunity for a trusted brand like the Council to provide this service.

Engagement

Climate change has implications on all levels of society and engaging with the wider Cheltenham community is essential. This is best achieved through co-creation with the community, through forums like citizens' assemblies. Existing entities like Parish Councils, community groups in Hester's Way, Oakley, Springbank and elsewhere, faith communities and voluntary groups, including those that are part of Cheltenham Voluntary and Community Sector (VCS) Forum, and collaborations to reach young people such as InterClimate Network (ICN), who run the Climate Conference for Gloucestershire. Newer initiatives, like Plastic Free Cheltenham, will also furnish allies, but there is also a need to engage hard to reach groups, which may be best achieved through mechanisms like Action Competence.

It is expected that this co-creation cohort will continue to input throughout the next decade, potentially to a midway point, to assist with the initial adaptation to demographic and social changes.



Cheltenham will also use its successful twinning links and its extensive reach through its sporting and cultural festivals, to be an ambassador for carbon neutrality, with the pioneering legacy of Edward Wilson to inspire a wider audience. This will help engage people and organisations outside the Borough that will be key enablers of success.

Collaboration will underpin the success of this venture and so, in addition to partner local authorities and the LEP, there will be a need to engage other actors. To achieve this, it is recommended that a secretariat be created to coordinate climate champion groups for cohorts like local business owners, working with the BID, high impact business operators, including those headquartered outside the Borough, and leaders of school and communities. A Climate Champions Award scheme will reward success and best practice guides can promote sharing of experience.

Energy

Research undertaken as part of this study and the Gloucestershire County Council Renewable Energy Study, demonstrates that Cheltenham has a huge untapped renewable energy potential.¹⁴ It is proposed that the Council leads on developing this through the Climate Action Fund. Projects could range from the small domestic scale to large developments.

Using this resource, it is further proposed that the business case for Cheltenham Energy be developed. This entity will sell renewable energy directly to local customers, including the Borough Council itself, supported by 100% renewable energy generated outside the Borough.



Cheltenham Energy will complement the Climate Action Fund and provide an additional mobilisation force and financial instrument to enable decarbonisation at scale. Preliminary discussions have shown that there is interest in collaboration from other agencies, including some based in other areas of Gloucestershire, so it will be essential that wider conversations be had early to ensure that any business model is robust, scalable and viable in the long term. It may also prove a valuable model for implementation at County level.



Among the projects that Cheltenham Energy could support are solar farms, in addition to those schemes developed on Council property. According to the Gloucestershire County Council Renewable Energy Study, Cheltenham has limited opportunity for wind energy, but there is still the potential to install over 27.7MW. This is more than the current total of all renewable capacity in the town.

¹⁴ Gloucestershire County Council *Renewable Energy Study Phase 2 – Resource Assessment* 2011 <http://bit.ly/2IVrs6R>

There will be a need for collaboration to implement many of the projects. Some will require the strengthening of existing partnerships, such as decarbonising the Lido, while others will take forging new relationships with a focus on eliminating carbon emissions. Similarly, there will be a need to combine efficiency and generation so as to optimise investment. It is expected that the Climate Action Fund will prove a helpful mechanism to allocate finances efficiently.

One mechanism that could be used to support the expansion of renewable energy in Cheltenham is to operate a “rent a roof scheme” for small scale solar. It is proposed that this be considered independently from the energy provision, as a separate business case supported by the Climate Action Fund or other investment finance.



Preliminary data demonstrates that there is a potential for Cheltenham to become carbon neutral on electricity utilising Cheltenham Energy based on a linear Scope 2 curve before 2030.¹⁵

It is recommended that Cheltenham support the work of the Gloucestershire Heat Decarbonisation task group decarbonising non-electric heating, such as oil and gas. Options of using biogas, hythane and hydrogen inputs, particularly drawing on the local business expertise, may prove invaluable. However, it is recommended that the main focus on decarbonising heat is through the use of more efficient building envelopes as this has additional benefits such as saving money, reducing fuel poverty and improving health. The business case for this will also need to be considered in light of changes in national policy that are likely to take place as the UK achieves its own net zero carbon target.

¹⁵ Based on current trends in the electricity grid mix. Should the national electricity mix decarbonise less quickly, there will be a need for more activity in the Borough.

Transport

Eliminating emissions from transport is a key challenge to carbon neutrality. The first pillar of this endeavour is the creation of a net positive depot, which could provide key support to the wider transport domain.

The second pillar is the creation of a network of zero carbon hubs. These will be both micro-hubs among the communities of Cheltenham and larger interchanges at the periphery and the railway station. Research undertaken for the Borough Council indicates that six district micro-hubs would provide coverage for the town.¹⁶ Implementation could involve partners like Intermodality, parish councils and local transport operators. The interchanges would facilitate modal shift to zero carbon transport for passengers and goods.



Zero emission last-mile deliveries and shuttle services must be more attractive than using a private vehicle, which gives the opportunity for entrepreneurial innovation, with leadership from the private sector. Cheltenham can draw on its hydrogen experience here.

Simultaneously, the Council will put in place policies that enable the movement to zero carbon public transport, working with National Rail, the Highways Agency, Gloucestershire County Council and other interested parties. Particular focus will need to be paid to vehicle owners with long replacement cycles, such as bus operators.

The Climate Action Fund could be a useful tool here, along with other incentives following Oxford City Council's model. Incentives to move public transport to zero carbon modes will need to be effective, so that all modes are zero carbon by 2025 as required.



¹⁶ For more information, see *Connecting Cheltenham – Strategy Report 2019*.

By 2025, Deloitte predict that electric vehicle sales will break the 20 million barrier and restrictions on non-plug-in vehicles will be enacted across the country.¹⁷ Cheltenham will not be immune to this trend, but alternatives like walking and cycling need to be encouraged. In addition to the proposed cycle superhighways and Cheltways,¹⁸ there need to be safe and secure storage areas and coordination to ensure routes are useful.



Collaboration with county-level activity undertaken by Active Gloucestershire and Think Travel will prove invaluable.

The inevitable transport redesign that new shared and connected business models will bring will also give Cheltenham the opportunity to rethink public spaces.



A closer alignment between public and shared transport modes, along with the new infrastructure, will mean that Cheltenham will be able to reclaim cultural spaces, increasing the amount of walking in the town centre, which will have positive effects on the local economy as well as health benefits.

¹⁷ Deloitte *New market. New entrants. New challenges. Battery Electric Vehicles 2019*

¹⁸ Systra *Connecting Cheltenham Strategy Report 2019*

Buildings

Cheltenham's architectural heritage is one of its defining characteristics and will be a key enabler to ensure that the Borough achieves carbon neutrality by 2030. Key to this is the development of clean and healthy communities which are fossil fuel free.

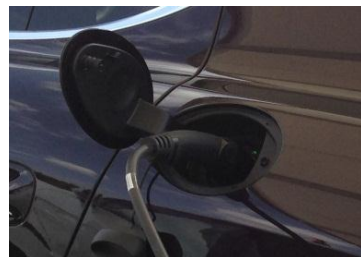
Working in collaboration with developers and house owners, a programme will need to be agreed to achieve the goal of zero carbon by 2030, particularly in light of the long timescales that can be a feature of the industry.



Amongst the existing housing stock, creating zero carbon communities will be essential. Some of this will be driven by consumer demand, corporate innovation to gain market share, the need to reduce social inequality and national policy. Existing examples like the Nottingham Energiesprong homes prove that such work is possible, although Cheltenham's particular challenges with conservation areas and listed buildings will need to be addressed through a combination of innovative solutions and external emissions reduction. Particularly, it is recommended that options for owners to procure carbon credits so that they can be carbon neutral be explored.

Simultaneous with the retrofit programme, there is an opportunity for Cheltenham, as part of the new development in the west of the town, to demonstrate how a Regency town can embrace smart technologies to create an environment that is attractive, affordable and net carbon positive.

The new development, designated a Garden Community, can integrate smart homes, connected and autonomous vehicles, circular business models, zero carbon building techniques and more flexible ways of working at the design phase.



For new build, the immediate opportunities across the town, as well as the large development to the west, give an opportunity to create net carbon positive dwellings, which will be critical due to the constraints of the listed housing stock. These will be a key proving ground for the Cheltenham Standard, enabling developers and other stakeholders to be involved in driving best practice.

Net Zero Carbon Buildings¹⁹ provides a framework for carbon neutral constructions but good developers will, when they see the value, be keen to demonstrate their leadership credentials through innovative solutions to the climate emergency. For example, a minimum SAP of 100 could be set for future developments. This will be supported by the government carbon neutral target and the Planning Act 2008, that states that “development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.”²⁰

Cheltenham can lead this by being prepared to be an early adopter of technologies, utilising mechanisms like the Climate Action Fund, Cheltenham Energy and Climate Champions to ensure that the benefits of low carbon energy are felt across the community.



A key part of this activity will be rewilding that increases biodiversity and climate resilience as well as removing emissions. Preliminary discussions have demonstrated that a programme led by the Council with partners like CBH can deliver substantial benefits in carbon reduction as well as increased amenity, health benefits and resident satisfaction.

The wider implications of integrated living, the convergence of the transport, technology and energy sectors and the requirement for affordable and desirable living spaces gives Cheltenham the opportunity to re-embrace features of Regency living. It is therefore proposed that the Council create a competition for carbon positive communities that are consistent with Regency Cheltenham.

¹⁹ Green Building Council *Net Zero Carbon Buildings: A Framework Definition* 2019 <http://bit.ly/2laDfht>

²⁰ <http://bit.ly/2mk2Fta>

Resources and Capacity

To deliver the programmes above will require resources. For the Council to initiate and run the programme will initially require two full time staff (FTE), one focusing on internal activity and the other external. As well as having relevant skills to deliver the project, these people will be accountable for the secretariat and the relationships with partners and stakeholders. Bristol City Council is currently recruiting a member of staff to manage their zero carbon programme at a salary of between £34,788 and £37,849 pro rata.

There will be a need for external specialist help for particular aspects of the programme, along with additional costs for individual projects. Exact details of these are currently unavailable but will typically range between £10,000 and £9 million. For example, Lead by Example may require a budget between £100,000 and £480,000.



It is expected that the programme will be cost neutral over time but that substantial funding will need to be allocated at the start. Funding for the programme will come from five sources.



The first is direct support from the Council. Gloucestershire County Council has set aside a climate emergency fighting fund and it is proposed that Cheltenham follow suit. The second is from ring fenced income, which could include an allocation of car parking earnings. The third is income generated through the Climate Action Fund.

There will also be specific funding needs for projects, which may be available through various financial organisations, including Public Works Loan Board and Salix. A preliminary approach on Salix funding demonstrates that match funding of up to £1 million is currently available. This is likely to expand if success is proved. Project funding

may also be available through specific grant funds such as the eCargo Bike Grant and Rural Community Energy Fund.

The fifth stream is collaboration funding through partnering with organisations like the LEP, Severn Wye Energy Agency, and private sector organisations through schemes like the European Regional Development Fund and the Industrial Strategy Challenge Fund. Cheltenham's position as an award-winning commercial council, recognised by the Municipal Journal and APSE will support this activity.



Green roof on a low carbon house in southern Gloucestershire

There is a cost involved in becoming carbon neutral but continuing as business as usual will also incur costs. As well as costs from climate change adaptation, there are likely to be higher energy costs and social costs in the future. Therefore, consideration of costs must take into account the potentially high cost of "do nothing".

Overall, capacity will also need to be increased, internally in the Council, amongst community leaders, climate champions and the wider population. This may be aligned with behaviour change and engagement.

It is recommended that capacity building be aligned with devolving responsibility and resources. This will have the effect of increasing staff autonomy and impact, as well as involvement. The delivery of the Cheltenham Crematorium project is a good practice example of how this can work successfully, with relatively light-touch governance.

Critical Success Factors

There are a wide range of factors that will affect the success of the programme.

Political leadership at all levels

There is a rising understanding that climate change is an issue that affects all levels of society from the local to the international and that political responses need to be bold and effective, crossing party and geographic boundaries. It is particularly essential that national policies and strategies support the Cheltenham endeavours. For example, there will need to be governmental support for approaches around planning, technologies and priorities.

Political focus



To achieve carbon neutrality on this short time scale will require a singleness of purpose. Cheltenham has many good practises that reduce carbon emissions, but this programme means eliminating carbon. This means that hard decisions may have to be made in favour of carbon reduction against other priorities.

While there are many examples where carbon elimination also brings other benefits, such as an increase in cycling helping improve health, there are other instances where priorities will need to be realigned to achieve carbon neutrality in the timescale.

Countywide collaboration

The solutions that Cheltenham requires to achieve carbon neutrality will both support and be supported by activity in neighbouring District and City Councils, and at the County level. Existing relationships will need to be strengthened and new relationships formed to ensure that collaboration is smooth across the whole organisation. These will include other agencies, such as Gloucestershire Hospitals NHS Trust, who will be critical partners to successfully deliver the target.

Devolved leadership

For Cheltenham to succeed in leading, it will be necessary for the town to challenge developers and operators to higher standards than will hold in the other boroughs. It is therefore critical that the Borough Council has the ability to set standards and requirements that exceed those at national level.

Corporate engagement



The involvement of the private sector will be key to the success of the programme. Past experience with the Cheltenham Low Carbon Partnership and other mechanisms demonstrate the importance of active and appropriate engagement, and the need to balance creating a level playing field to promote fair competition with the flexibility to allow the innovation that will enable the target to be reached.

Open-minded partnerships

Achieving carbon neutrality will mean organisations in the private, public and third sector will have to work together across industries and sectors. Success will rely on those organisations having an open mind, ready to accept new solutions, and to put the community of Cheltenham at the centre of their thinking.

Local entrepreneurship

In addition to a willingness to implement a programme that means working in new ways, there will be a need for new ideas. Local entrepreneurship will be key, particularly new business models as well as more traditional arenas like the development of new products and services.



Community cohesion

In the main, the people of Cheltenham are proud of the town and of their communities. This programme will need a rethink if that cohesion changes. Should this happen, the programme will need to be reassessed. However, one feature of the programme is that an effective implementation will reduce the likelihood of this taking place and instead will boost community cohesion.

Conducive financial landscape

The programme has been developed on the basis of support from national government, such as the Growing Places Fund, and a financial landscape that supports zero carbon investment. Should circumstances be different, for example, with higher interest rates or import tariffs, or sources of funding dry up, these could radically affect prioritisation and even the programme itself. At the same time, new funding may become available and this may require a reassessment of business cases.

Technology availability

The programme relies on the development of technologies, such as smart grids and connected vehicles, that are not currently developed to scale. Should there be a market failure or other set back, there is flexibility in the programme, but this will need to be managed so that decarbonisation is still financially and socially beneficial.



There also needs to be awareness of technological developments that could negatively impact the programme, such as the increased electricity needs of the cyberpark and electric vehicles.

Individual by-in

While the objective of this programme is to make an organisation and a geographic area carbon neutral, success will rely on the involvement of every individual that lives, works and visits in the Borough and their ability to take responsibility for their part in the endeavour.

Programming

Cheltenham's success in achieving carbon neutrality does not depend on the action of a single person or entity. Collaboration will be key. Empowering communities to reduce carbon inside the Borough, creating forums where ideas can be pooled and experience shared, coordinating activity to ensure that the target is met, these will be critical. Relationships with external parties will also have to be managed. There are already many allies in the public, private and third sector that will make the delivery easier. In particular, there are many other local authorities, including Nottingham City Council, Oxford City Council and Stroud District Council, that have embraced the challenges of climate change and will have good wisdom to share.

Carbon neutrality for Cheltenham is achievable by 2030 if the town is prepared to challenge itself and see carbon elimination as a way to reclaim its identity. In 2017, as part of the development of the visitor strategy, people in Cheltenham were asked what adjectives they felt described the town and they came up with: creative, pioneering, nurturing, connected, celebratory, energising and charming.²¹ Preliminary discussions have demonstrated that there is good will across the board for Cheltenham to become a beacon to show that a zero carbon future is compatible with these values.



“We are living in an emergency but behaving as if nothing much is going on that is out of the ordinary.”

Jonathan Porritt

²¹ Kelly Ballard *5-Year Strategy to Grow Cheltenham's Visitor Economy 2017*

About DCA

De Courcy Alexander Ltd (DCA) is a new team that has come together from different areas of sustainability and business with a single aim – to empower organisations and communities to create a more sustainable world. The team has experience of working with a wide range of industries, in the public, private and third sector, including major employers in Cheltenham, on areas like carbon reduction and understands well the cultural and psychological as well as the procedural and technological challenges ahead.

DCA is committed to creating positive social, economic and environmental change. The company has managed a number of funded collaboration projects in areas like the circular economy and low carbon transport, NEET employability and the hydrogen economy, innovation in engineering and new business models.



DCA's methodology combines the excitement of innovation with the long-term success of high empowerment to deliver real sustainable business value.

De Courcy Alexander Ltd
31/35 Kirby Street
London
EC1N 8TE

info@decourcyalexander.co.uk

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The Rt Hon Andrea Leadsom MP
Secretary of State for Business,
Energy and Industrial Strategy
1 Victoria Street
Westminster
London SW1H 0ET

ask for: Councillor Steve Jordan
ddi number: 01242 264330
email: cllr.steve.jordan@cheltenham.gov.uk
our ref: SJ/BR
your ref:
date: 25 October 2019

Dear Secretary of State,

In July of this year, Cheltenham Borough Council, like many other councils, declared a climate emergency and committed to becoming a carbon neutral Council and Borough by 2030.

The Council engaged a leading expert in the field of climate change and sustainability, Simon Graham, Head of Innovation at De Courcy Alexander, to develop a roadmap for eliminating Cheltenham borough's carbon footprint and we now have a proposed programme of activities and initiatives encompassing leadership, engagement, energy, transport and buildings to enable Cheltenham to achieve this goal. Initiatives include, but are not limited to:

- **The Cheltenham Standard**, a visionary statement for setting a benchmark for low-carbon living
- **Lead by Example**, a programme of demonstration projects to help break down barriers to the adoption of zero carbon solutions
- **Climate Action Fund** to help finance the road to zero carbon
- **Cheltenham Green Deal**, broadening access to carbon reduction initiatives to communities that cannot currently afford the high up-front capital expenses
- **Community Engagement**, building capacity for local people to be fully involved
- **Climate Champions**, inspiring communities and enterprises to find new solutions
- **Cheltenham Energy**, a new local zero emission energy provider facilitated by the Council
- **Smart Cheltenham**, a vision for integrated living in West Cheltenham that promotes a low carbon lifestyle
- **Zero Carbon Hubs**, decentralised futureproof centres promoting zero emission mobility
- **Return to Regency**, a competition for developers to demonstrate leadership and innovation to build carbon positive communities

We are confident that delivering our roadmap, in partnership with others, will enable the council and the community of Cheltenham to achieve the target of becoming carbon neutral by 2030.

We also firmly believe this programme can deliver substantial benefits for a wide range of other issues including fuel poverty, air quality, health and wellbeing, resilience and economic growth.

But we cannot achieve this without support from Government.

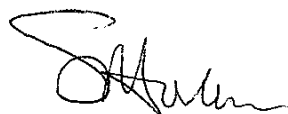
Specifically we are calling for:

- 1) Access to sustainable funding. Cheltenham's programme is expected to be cost neutral over time, but substantial funding will be needed in the first few years to secure the expertise that is needed and provide initial financial investment for our initiatives.
- 2) A mechanism to enable easy and timely access to government funding streams.
- 3) A favourable financial landscape which supports zero carbon investment.
- 4) Devolved powers to enable the Council to set standards and requirements appropriate for our locality and which may exceed those expected at a national level. This will need to be backed by Government support for the introduction of these standards, to ensure they can be upheld through any challenge process. This is of particular relevance to new development within the planning environment and in relation to listed buildings.
- 5) The introduction of national policies to support faster local climate change action.

Given the right tools, we believe Cheltenham is well-placed to demonstrate leadership in achieving carbon neutrality. The town's MP, Alex Chalk, sponsored the widely welcomed Climate Change (Net Zero UK Carbon Account) Bill; we are an award-winning council and our communities want to be involved in taking action to address climate change. We also have a tremendous opportunity to deliver a flagship 'carbon positive' development as we embark on the delivery of a nationally significant Cyber Park in West Cheltenham next to GCHQ, with an associated Garden Community development delivering 3,000 homes, which already has government support.

Cheltenham Borough Council is just one of many councils to have declared a climate emergency with cross-party support and therefore, we urge Government to provide local councils and our communities with the power and resources to implement measures in support of the UK's commitments on climate change, in order to deliver a positive and sustainable future for the generations who will succeed us.

Yours sincerely



Steve Jordan
Leader of the Council

Copy to: Alex Chalk MP
Cllr Joe Harris, Leader Cotswold District Council
Cllr Tim Gwilliam, Leader Forest of Dean District Council
Cllr Paul James, Leader Gloucester City Council
Cllr Mark Hawthorne, Leader Gloucestershire County Council
Cllr Doina Cornell, Stroud District Council
Cllr Rob Bird, Tewkesbury Borough Council
Mark Lloyd, Chief Executive LGA
Bryony Houlden, Chief Executive SW Councils

EXTRACT OF DRAFT COUNCIL MINUTES FROM MEETING ON 14/10/19

9. 'CARBON NEUTRAL CHELTENHAM - LEADERSHIP THROUGH STEWARDSHIP'

The Cabinet Member for Corporate Services introduced the report. He explained that in February 2019, Full Council unanimously called on the Cabinet to declare a Climate Emergency. As part of the motion, Council requested that a report be presented back within six months, with the local actions the Council could take to help address this emergency. The report therefore outlined the actions needed and an indicative timetable.

He advised that the project was being undertaken by Simon Graham, who was the Head of Innovation at DCA and knew Cheltenham well having worked at a local company where he drove the implementation of a sustainability programme. The work had been split into two work streams, the first was focused on achieving a carbon neutral council and would be led by the Executive Director of People and Change and the Cabinet Member Corporate Services. The second workstream would focus on the development of a carbon neutral borough and would be overseen by Director of Environment and Cabinet Member Clean and Green Environment.

He explained that, in order to develop the report, meetings and interviews were conducted with a range of officers from across the council, key Members, a number of external organisations including GCHQ, Superdry and the LEP and key partners including Gloucestershire County Council, Ubico, the Cheltenham Trust and the emergency services. A public assembly was also held to hear residents views.

The report outlined a number of initiatives that the council could take to become carbon neutral by 2030, these included introducing a zero carbon sports and leisure experience, upgrading the crematorium to zero carbon operation and rolling out zero emission fleet. The roadmap also outlined a number of major community initiatives such as a Cheltenham Standard, Cheltenham Green Deal and Cheltenham Energy.

He acknowledged that the roadmap would need to be developed in to more detailed and deliverable action plans and they would need to establish what impacts the initiatives would have on the priorities already set out in the council's corporate plan.

He noted the steps that the council had already taken to proactively reduce carbon emissions, including the installation of PV systems on CBH housing stock which provide enough electricity to power around 350 homes and also offer savings to the customer. He also confirmed that the council had reviewed its electricity purchasing arrangements and all of the council's third party electricity now comes from renewable energy sources.

He highlighted that £150,000 of seed funding per year, had been recommended to fund additional staffing resources in order to create the capacity and capability to develop the business cases for the initiatives outlined in the roadmap and that the project would require a comprehensive approach to engagement involving residents, communities, businesses and partner organisations.

In the debate that followed, Members made the following comments:

- They commended officers and Simon for a fantastic and thorough report. They felt it was an important step in highlighting the council's intention to achieve its target and become carbon neutral by 2030 and also showed that the carbon neutral target was achievable.
- One Member suggested having a Cabinet Member solely responsible for climate change.
- Whilst government intervention was essential in tackling the problem, they noted the steps that could be taken at a more local level and welcomed initiatives such as the Cheltenham Standard and Cheltenham Green Deal. Members felt that the borough council had a duty to remind the public of measures they could take in order to reduce their carbon footprint, such as reducing food miles, eating less livestock intensive diet, using public transport and taking fewer flights.
- The council had a duty to lead by example and travel by euro star as opposed to aeroplane for twinning visits.
- One Member stressed the importance of attributing timescales to the initiatives as soon as possible.
- Members acknowledged the potential for making improvements through the planning process by focusing on biodiversity and environmental standards when applications come before the planning committee.
- They noted that the European Union does a lot in terms of tackling climate change and lessons could be learned from countries all across Europe that have ultra-low emission zones.
- One Member felt that we should be developing these initiatives further and look at how we can actually remove carbon-dioxide from the atmosphere. They hoped that the Cyber Park could attract businesses that do biological and geological sequestration, which involves the net removal of CO₂ from the atmosphere.
- Members agreed that we need to start looking at hydrogen and the potential for using electric vehicles for the taxi fleet. Although, they acknowledged that the necessary infrastructure would need to be put in place to facilitate this.
- One Member highlighted that there would inevitably be many change projects running over the next decade that would impact on people's everyday lives and stressed the importance of advising members of the public on the benefits of any initiatives. They believed that the citizen's assembly concept had the potential to change the way in which the debate moves forward in Cheltenham. Members agreed that community engagement and involvement was key to meeting the targets.
- Members noted that a huge amount of money was being invested in hydrogen technology and retrofitting of social housing in the European Union and that the retrofitting of social housing has also received a significant amount of funding. They hoped that if the UK were to remain in the EU that CBC would have the opportunity to bid for some of the funding in order to retrofit our social housing.
- One Member felt that there should be more of a focus on the key polluters as consumers do not have the choices and power that large corporate organisations do.
- One Member highlighted the positive steps that the council had already taken, including the fact that over 50% of domestic waste was now being recycled and the significant investment by CBH in solar panels. They noted that the changes at Boots corner had

seen an increase in bus journeys by 250,000 trips per annum. A bid had also been put in to get electric buses in Cheltenham, which was an initiative that would be fully supported by the council.

- The Leader confirmed that they were in discussions with a view to appointing a Cabinet Member for Climate Change and the Cabinet would be looking at funding for the initiatives at Cabinet on 5th November.
- One Member stressed the importance of having specific, measurable targets in place as soon as possible and also the importance of devising impact statements. For example, to identify the impact that reducing cars travelling in to the town centre would have on car parking income.
- One Member questioned what the benefit would be of creating a Cheltenham energy company as they reasoned that there are many commercial operators that would do that for us without the risk. They also questioned where the additional trees would be planted.
- One Member felt that there needs to be more of a focus on biodiversity and finding solutions that will work within the natural environment.
- One Member stressed the importance of drawing from work that has already been done i.e. Birmingham who are leading the way in hydrogen research and Cheltenham's twin town of Gottingen that has a fantastic green action plan.

The Director People and Change explained that they were in the process of working on a council social value policy. He also advised that they were looking at the resources required to take the project forward as part of the council's budget setting process; once that had been confirmed they could start looking at putting the roadmap in to action.

In response to Members, Simon Graham advised that:

- With regards to energy companies, there are a range of different business models that have been worked through and the proposal is to explore the best way of providing energy to the people of Cheltenham that is equitable and draws upon the lessons that have been learned in the past.
- As part of the carbon footprint that is reported, all travel by council officers e.g. for twinning is included and when somebody chooses to travel more responsibly that would be reported as a reduction in carbon. Therefore, there are already mechanisms to encourage more environmentally friendly ways of travel.
- Proposals are already in place to encourage more responsible modes of transport available to the people of Cheltenham.
- Already a number of engagements are taking place with potential and existing partners within other councils and public sector organisations, as well as conversations with Vision 21.

In conclusion, the Cabinet Member Corporate Services noted that community engagement was the overriding theme and that the initiatives would require significant cultural change. He stressed the importance of the borough providing leadership in this area and engaging

particularly with those in less affluent areas. He agreed that as the timeframe is so tight, it is important that they have clear timescales attributed to the initiatives in the roadmap.

RESOLVED UNANIMOUSLY THAT:

Council endorses the findings of the ‘Carbon Neutral Cheltenham – Leadership through Stewardship’ report and its associated roadmap and recommends that Cabinet:

- **Writes to the relevant Secretary of State, setting out the Council’s climate concerns, ambition and roadmap to take action, formally requesting Government to provide the planning powers, guidance and resources to local government to make the 2030 target feasible;**
- **Subject to available resources, considers setting a challenging interim community-wide target for achieving a reduction in borough-wide carbon emissions by 2025, to provide a clear signal of the scale of the local ambition to take effective action;**
- **Considers, prioritises and identifies the resources needed to deliver the actions required to meet the 2030 carbon neutrality targets;**
- **Develops an annual reporting process to effectively track progress;**
- **Delegates authority to the Executive Director People & Change and the Director of Environment, to develop the roadmap into a realistic action plan for project delivery, with appropriate business case development taking account of the impact on the Council’s financial position.**

Cheltenham Borough Council Cabinet – 5th November 2019 Cheltenham Transport Plan

Accountable member	Councillor Andrew McKinlay, Cabinet Member Development and Safety
Accountable officer	Tim Atkins, Managing Director Place and Growth
Ward(s) affected	All
Key/Significant Decision	Key
Executive summary	<p>The Cheltenham Transport Plan funded through the DfT Local Sustainable Transport Fund has been ‘rolled-out’ on a phased basis since 2016, in line with the Gloucestershire County Council Traffic Regulation Order Committee (“GCC TRO) recommendation, endorsed by GCC Cabinet. The first 3 phases have been deemed successful by GCC and are deemed permanent. Phase 4 associated with the removal of through traffic at Boots Corner has been undertaken as an experimental traffic order, and as it now approaches the end of its 18 month implementation, GCC has requested that this Authority confirms its position, either to implement a permanent TRO or to abandon the proposed TRO.</p> <p>It is recognised that phase 4 of the scheme (the Boots Corner trial) has attracted criticism culminating in a petition that was considered by the Council on 21st January 2019. The concerns raised by residents and businesses were a mixture of genuine and perceived. GCC responded to the genuine concerns through agreeing changes to the trial scheme and along with CBC have continued to collect data to provide evidence that challenges some of the perceptions.</p> <p>A range of measures has been considered to arrive at a recommendation, and these range from the micro (Cheltenham only impacts) to the macro such as climate change. The report covers</p> <ul style="list-style-type: none"> • Policy Alignment – with particular note of the parallel CBC and GCC climate change motions, and the work of Systra in developing the Connecting Cheltenham study with its emphasis on pedestrians, cyclists and public transport. • Traffic Flows – the GCC traffic monitoring report is appended and the 2019 data suggests the closure of Clarence Street as part of the Cheltenham Transport Plan Experimental Traffic Regulation Order is having only a limited effect on the wider traffic network. Critically traffic volumes across Cheltenham between 2008 and 2015 decreased by approximately 13% and are continuing to fall. In 2018, traffic volumes across Cheltenham were approximately 20% lower than they were in 2008. This pattern is likely to continue given the rise in home working and modal shift. In summary, although traffic increases have been seen on some routes because of the Experimental Traffic Regulation Order, traffic flows largely are still less than they were in 2008.

- Modal Shift – this is the transference of travel from the private motor car to alternatives. The data collected identifies greater pedestrian flows and cyclists in Boots Corner itself and also growth in patronage of Stagecoach services against a national backdrop of declining bus usage. The Cheltenham Residents' Survey 2019 which will be considered by Cabinet in December 2019 also identifies “promoting walking, cycling and public transport” as one of the top 3 priorities for residents.
- Air quality monitoring – CBC has one of the most extensive air quality monitoring arrangements for any comparable town and this demonstrates that areas of NOx (nitrogen oxide and dioxide) exceedance are small and isolated. The comprehensive data and associated paper appended to this report concludes that CTP Ph.4 has made very little difference, either positive or negative to air pollution levels across the town, which have displayed a slow steady decline in exceedances (-7.5%) since 2014. This is probably not surprising, as the scheme was not explicitly designed as a project to improve air quality, but wider factors such improvements in the emissions from HGV's and buses and modal shift away from private vehicles have impacted the data.
- Economic impacts – initial assessments as reported on 21st January 2019 compared the actual number of jobs created against those predicted when the bid was originally submitted. Subsequent measures have considered wider impacts but against a rapidly changing economic and social landscape, and whilst Cheltenham experiences losses from its retail portfolio, it also continually welcomes new entrants such that the vacancy rate at 8% sits below the national average of 12% and well below comparable Gloucestershire towns. Again mirrored in the footfall data which shows a trend of Cheltenham maintaining its footfall against a wider picture of decline. That is not to say that the scheme is perfect; it still provides some challenges and these were articulated at a meeting with 11 of the 531 BID members in late September.
- Longer term – the trial scheme has reinforced the need to deal with the A4019 from both a vehicle movement corridor and air quality perspective, and CBC welcomes the news from GCC that in 2020 £1m of capital funding has been allocated to deal with the traffic lights along this corridor. Not necessarily a panacea but this traffic light synchronisation work will assist in improving performance (journey times) along this route and equally assist with more rapidly dispersing some of the traffic on South to North journeys.

Recommendations

In light of the economic and other evidence, and based upon GCC traffic flow data, CBC air quality data, and wider considerations, CBC urge the GCC Traffic Regulation Order Committee (TRO) and GCC Cabinet to make the Experimental Traffic Regulation Order (phase 4) of the Cheltenham Transport Plan permanent.

That Cabinet authorise the Managing Director – Place & Growth to write to GCC and the TRO committee to make CBC's position clear.

Financial implications	<p>There are no direct financial implications resulting from the recommendation of this report.</p> <p>However, should the County Council determine that the trial be made permanent then that will allow public realm upgrades as part of the High Street ambition.</p> <p>That ambition will have financial implications and will be brought back to Cabinet in due course.</p> <p>Contact officer: Paul Jones, paul.jones@cheltenham.gov.uk, 01242 264365</p>
Legal implications	<p>The legal power and responsibility for the introduction and implementation of a Traffic Regulation Order (including those Orders that follow any Experimental Traffic Order) rests with the County Council.</p> <p>In order to assist it in making a decision on whether or not to make this Experimental Order permanent the County Council is seeking the formal view of this Authority on whether or not it supports the making of the Experimental Order permanent.</p> <p>Whilst this Authority can provide a formal view the County Council is not bound by this view and it will consider all views and comments provided as part of its consultation before coming to its own view on whether or not to make the Experimental Order permanent.</p> <p>One Legal - legal.services@tewkesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>None</p>
Key risks	<p>Climate change opportunity and reputation</p>
Corporate and community plan Implications	<p>One of the key priorities in the corporate plan 2019-23 is the continued revitalisation and improvement of our vibrant town centre and public spaces. Delivery of the Cheltenham Transport Plan is one of the key under-pinning projects to deliver this priority The recommendation will also contribute to the recent council decision to develop a route-map to that would see future carbon neutrality for Cheltenham.</p>
Environmental and climate change implications	<p>Strong evidence is provided in this report showing positive modal shift to more sustainable means of travel. Failure to seize the opportunity presented by the phase 4 trial will put back aspirations to tackle climate change in Cheltenham. If the significant reduction in vehicles travelling through the centre of the high street is reversed this would have a negative impact on the Council's climate change and environmental sustainability aspirations. It will also be in direct conflict with national, regional and local policy regarding transportation and sustainability.</p>
Property/Asset Implications	<p><i>At this stage there are no property implications. However, as proposals emerge for the works to the high street and public realm, further consideration will need to be given to any CBC interests.</i></p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1 The Cheltenham Transport Plan (CTP) has been a Department for Transport funded project for which GCC with the support of CBC, secured funds from the Local Sustainable Transport Fund (LSTF) in 2012. Its implementation has been phased with the final phase (phase 4 Boots Corner) enacted as an 18 month trial under an experimental traffic order, that was enacted on 28th June 2018.
- 1.2 Full Council considered the initial assessment of the trial after its six month milestone on 21st January 2019. This was supported by a GCC analysis of traffic flows and a wider consideration of the predicted and actual economic outputs of the LSTF package of measures. This concluded that the economic outputs in the form of jobs created and temporary construction work were in line with or exceeded expectations. This same Council meeting also considered a petition requesting that the traffic trail be abandoned.
- 1.3 The outcome of the GCC initial assessment was to make amendments to the trial and to continue it for its full experimental period of 18 months, up to 28th December 2019. The consultation period closes on 3rd December 2019 and the view of this Authority is submitted as during that period.
- 1.4 Following the end of this consultation GCC will be holding a Traffic Regulation Order (TRO) Committee at St Paul's church on 11th December 2019 to consider the outcomes of the Cheltenham Transport Plan.
- 1.5 The purpose of this report is to respond to a GCC request for a formal position statement from CBC, as district authority, regarding the experimental traffic order. It is worth noting that GCC advise that it is a binary decision and can only conclude either that the experimental order should be made permanent or abandoned; there is no latitude for alternatives or caveats.
- 1.6 In determining the position a range of factors will be considered. These will include policy alignment, updated traffic flows (since last consideration in January 2019), modal shift data (including pedestrian flows, cycling and bus patronage), air quality monitoring, economic impacts and longer term factors.

2. Policy Alignment

- 2.1 The delivery of the CTP aligns with the CBC Corporate Strategy 2019-2023, notably the key priority of *'continuing the revitalisation and improvement of our vibrant town centre and public spaces'* with specific reference to *'continue to invest in our High Street and public spaces'* and to *'work collaboratively to develop and gain approval for a new Cheltenham transport plan including support for cycling and walking projects that will also improve local air quality and health in the town.'*
- 2.2 It also aligns with the GCC Local Transport Plan (LTP), specifically the 2015-2031 Implementation Report 2017. Specific objectives are set out at 2.1.CPS1 - Central Severn Vale Connecting Places Strategy – 2.1.5 Cheltenham Transport Plan. The Cheltenham plan also contributes to other targets e.g. LTP PI – 9 Increase use of bus and more recent initiatives such as the Department for Transport Cycle & Walking Investment Strategy 2017, which aims to make cycling & walking the natural choices for shorter journeys, or as part of a longer journey. The GCC LTP is currently the subject of a refresh and emerging themes are a greater focus upon modal shift with walking, cycling and public transport being prioritised.
- 2.3 CBC has embraced the opportunity to support the LTP and engaged Systra to undertake a comprehensive review of transport opportunities in and around Cheltenham. 'Connecting Cheltenham' as a study is attempting to align climate change; townscape quality; local environmental impacts such as air quality; equitable and inclusive access to transport; health and wellbeing and the accommodation of planned growth. The outputs were the subject of a member

seminar on 7th August; considered by O&S on 19th August and considered by Cabinet in October 2019. Given that GCC were part of the wider stakeholder engagement, the final report unsurprisingly reflects the emerging themes in the LTP.

- 2.4** Both GCC as transport authority and CBC as district authority have accepted the need for climate change action with motions declaring a climate emergency approved on 15th May 2019 and 9th July 2019 respectively. These motions encourage both authorities to take a robust stance to climate change issues and support positive measures such as reducing carbon emissions and working towards becoming carbon neutral. In the case of GCC specific measures noted include - *Ensure that our major plans, such as the local transport plan, have clearly identified strategies to reduce carbon emissions;* - *Work with district and borough councils to reduce the districts' carbon footprint within their corporate strategies.*
- 2.5** Essentially this places the two Councils (Gloucestershire and Cheltenham) on the same platform as UK MPs who approved a motion to declare an environment and climate emergency on 1st May 2019.
- 2.6** To progress this ambition CBC has engaged a specialist consultant and will be considering a wide reaching report. This will note that eliminating the emissions from transport is a key challenge to carbon neutrality: implementing such an ambition may involve stepping stones such as an Ultra Low Emission Zone (ULEZ) as operated in London.
- 2.7** It is also worth noting that other agencies have also applauded the trial. These are Sustrans, the national charity dedicated “to making it easier for people to walk and cycle” and Tom Beasley from Active Gloucestershire, a charity whose vision is that “everyone in Gloucestershire is active every day”. Upon noting the increased walking and cycling recorded at Boots Corner he commented that “Across the UK, half of women and a third of men are damaging their health through physical inactivity. By turning our towns into places that make being active an easy choice, we can improve public health, help people to stay active later in life and reduce stress on the NHS.”

3. Traffic Flows

- 3.1** The full details of the most recent GCC traffic flow analytical report is contained in appendix 1 and is available on line at https://www.gloucestershire.gov.uk/media/2092806/191002_ctp_4_update_report-final.pdf but key highlights of the report of the experimental traffic order at Boots Corner and its impacts are noted below.
- 3.2** The GCC report leads with the comment: *‘The traffic data collected during March 2019 suggests the closure of Clarence Street as part of the Cheltenham Transport Plan Experimental Traffic Regulation Order is having only a limited effect on the wider traffic network’*, although this is later underpinned by a wider narrative on falling traffic volumes (see 3.7), so it could be argued that the Cheltenham Transport Plan has, since its delivery inception in 2016, contributed to this wider picture.
- 3.3** Daily traffic flows can vary significantly due to a wide range of factors including weather, road traffic collisions, congestion elsewhere on the network and local events. Therefore, an allowance for daily variation in traffic flows needs to be included within any analysis of future traffic flows on local roads. The baseline traffic surveys were undertaken in 2015 and the Boots Corner trial commenced in 2018. There is a need to take account of background traffic growth on the network before considering the impact of the Boots Corner closure. The UK Government produces a set of traffic growth forecasts and supporting software, TEMPRO. For Cheltenham, TEMPRO forecasts a 4.44% traffic growth between 2015 and 2018. Additionally, the Department for

Transport (DfT) guidance suggests that automatic traffic survey equipment confidence values should be plus / minus 5%, or a variation of 10%. Therefore increases in traffic in 2018 of up to 9.44% over 24 hours will be discounted as this is demonstrably due to background traffic growth and daily variation.

- 3.4** Boots' Corner was temporarily closed for a week in May 2009. Traffic surveys were undertaken before, during and after the closure at a total of 24 locations across the town to understand the impacts of the closure. The 2009 surveys showed that the majority of roads had showed less than 10% increase in traffic during the Boots' Corner closure over a 24 hour period. Combined with the 9.44% variation in background growth, a 20% increase in traffic has been taken as the threshold for an acceptable level of traffic growth.
- 3.5** Compared with pre-Cheltenham Transport Plan traffic data from 2015, three sites are showing traffic increases over the 20% background growth threshold:
- St. George's Street
 - St. James' Square
 - Winchcombe Street (South)
- 3.6** The increases on St. George's Street, St. James' Square and Winchcombe Street (South) are not unexpected, as they are on alternative northbound routes immediately either side of the restricted route. Traffic data and feedback received during the first six months of the trial is currently being reviewed and options to consider and address the increases in traffic along immediate alternative routes is being considered.
- 3.7** It should be noted that whilst traffic flows at St Georges Street, St James' Square and Winchcombe Street (South) have increased above the 20% traffic growth threshold set, traffic volumes across Cheltenham between 2008 and 2015 decreased by approximately 13% and are continuing to fall. In 2018, traffic volumes across Cheltenham were approximately 20% lower than they were in 2008. This pattern is likely to continue given the rise in home working and modal shift. In summary, the traffic increases seen on some routes because of the Experimental Traffic Regulation Order are still less than they were in 2008.
- 3.8** Analysis of Bluetooth journey time data shows journey times along key routes in Cheltenham have remained, for the most part, unchanged since April 2015. Journey times have increased on the following routes, but by no more than one minute:
- Saints Corridor northbound (St. George Road to St. Margret's Road) in the PM peak period
 - A4019 eastbound between Gloucester Road and North Place in the AM and PM peak periods.
- 3.9** The full GCC report is appended (Appendix 2) to this document but given that some of these issues existed pre-trial and that GCC have committed to improving the traffic flow on the A4019 through major capital investment in the traffic light synchronisation, and that traffic flows are reducing with changing work patterns, and individuals desires to reduce their carbon footprint, there is every reason to be optimistic that the residual challenges will be dealt with in the future.

4 Modal Shift

4.1 A key tenet of the LSTF funded project was to encourage individuals to explore alternative lower carbon travel options where possible. Since the phased implementation CBC has been working with partners to establish the impact.

4.2 Early phases saw benefits for cyclists and buses along Albion Street, but greater impacts were delivered by the phase 4 trial. In order to capture the impact, a range of measures have been deployed; these are independent footfall and movement counts through Boots Corner, wider footfall data and also data from Stagecoach, specifically on patronage and timetable reliability.

4.3 The independent footfall counts have been taken to compare movements across Boots Corner with a baseline measure taken prior to the start of the trial. The data collected in survey week 6 (10-16 June 2019), and one year on from the first dataset collected, survey week 1 (11-17 June 2018), which was before the trial began demonstrates significant changes of movement patterns within the space. The data shows the following activity in week 6 compared to week 1:

- 133% increase in the number of pedestrians,
- 138% increase in the number of cyclists,
- 84% increase in the number of parked bicycles,
- 28% decrease in the number of people sitting, and
- 142% increase in the number of wheelchair/mobility scooter users.

The anomaly is clearly the decrease in the number of people sitting in the space and reflects the fact that Week 6 had very wet and cold weather in comparison to week 1. A wider comparison can be achieved by averaging the results since the trial began, compared to the pre-trial data set. Taking an average of all the survey weeks since the phase 4 traffic trial started (weeks 2 – 6), the data shows the following activity:

- 121% increase in the number of pedestrians,
- 189% increase in the number of cyclists,
- 71% increase in the number of parked bicycles,
- 20% increase in the number of people sitting, and
- 113% increase in the number of wheelchair/mobility scooter users

All in comparison to survey week 1 - before the traffic trial started.

These results demonstrate the greater pedestrian and cyclist activity since the trial began and also show that the space is seemingly more attractive for wheelchair/mobility scooter users.

4.4 The Stagecoach data identifies significant modal shift since the trial began. Rupert Cox, Stagecoach managing director, said on 29th July 2019 “During the past 12 months we have seen an extra 270,000 bus passenger journeys made across Cheltenham. That’s about 5,200 a week or 4.3% growth. (Additionally) Our buses have seen an improvement on their punctuality which is up from 92.5% to 93.1% (based on all routes which cover about 2.6 million annual miles). We are also investing more than £2m in 14 new buses for services in the town and they are expected to enter service in late 2019.”

- 4.5 This performance is contrary to the national picture where bus patronage has seen a national decline compared to the 4.3% growth in Cheltenham over the last 12 months;
- 4.6 Equating this to 'potential vehicle movements avoided' can be undertaken by utilising the Department for Transport vehicle occupancy data. <https://www.gov.uk/government/statistical-data-sets/nts09-vehicle-mileage-and-occupancy#history> The data for "all purposes" for 2017 (most recent data) gives a national occupancy of 1.55 persons per vehicle although for commuting this fell to 1.16 persons per vehicle. On this basis, an additional 5200 person journeys per week by bus has probably resulted in between 3,354 to 4,482 fewer private vehicle movements per week on the network. This aligns with the traffic data produced by GCC with falling vehicle movements recorded over the long term.
- 4.7 Reporting wider town centre footfall data is more challenging as the BID have reported disruption to the footfall cameras within their control due to various works and consequently doubts remain over the veracity of some of the data. However, Springboard, a company which collects data nationally also has a single data collection point on the High Street in Cheltenham and has been recording data since August 2017 and sharing this with Cheltenham BID. This data is used to compare performance collected by Springboard across the South West region and wider UK. This data set operational since August 2017 is noted below and whilst the trends are erratic it does suggest that Cheltenham is performing well compared to the South West region and wider UK; critically Cheltenham had a positive footfall towards Christmas which is such a crucial trading period for many retailers especially when set against a regional and national decline.

Month	2017/2018	2018/2019	Cheltenham	South West	UK
January		422,475		-3.10%	-4.80%
February		435,014		-1.40%	-1.30%
March		545,318		-9.30%	-4.80%
April		469,950		-4.00%	-4.90%
May		462,187		0.80%	-0.70%
June		586,984		-0.10%	-0.90%
July		492,615		0.10%	-2.30%
August	490,377	481,291	-1.90%	-2.30%	-4.30%
September	610,100	601,947	-1.30%	-1.60%	-3.20%
October	488,818	469,198	-4.00%	-2.50%	-5.40%
November	487,593	497,290	2.00%	-3.80%	-5.00%
December	703,184	716,023	1.80%	-2.10%	-5.70%
January	422,475	430,865	1.99%	0.34%	-1.27%
February	435,014	441,132	1.41%	-3.16%	-1.53%
March	545,318	589,108	8.03%	-0.33%	2.65%
April	469,950	438,400	-6.71%	1.21%	-1.52%

- 4.8 The Brewery Quarter has its own monitoring system and in July 2019 reported "that from June last year to June this year their footfall has increased by 12%, with average trade performance up by 5%". This is of course against a challenging national backdrop with the Retail Gazette reporting in July 2019 that "Overall UK footfall declined by 2.9% in June compared this time last

year when it declined 0.9%". So whilst Cheltenham cannot afford to be complacent the data does show a healthy position compared to national data with no evidence to substantiate that the trial has dissuaded people from visiting Cheltenham; in fact the data suggests that Cheltenham is performing better than many comparable towns.

- 4.9** Wider influencers also exist and for several years CBC has been setting car park tariffs that dissuade commuters but aim to remain competitive for visitors. The most recent car park data suggests that despite price increases above inflation that car park usage, using income as a proxy, remains buoyant.
- 4.10** Further active engagement also exists with CBC sponsoring the Cheltenham Spa railway station improvements in concert with GWR, Network Rail, GFirst LEP and GCC. One objective of the current works is to establish a dedicated cycling and walking link from the town centre all the way to GCHQ and Gloucester by linking-up a range of measures. These include extending the Honeybourne Line south from Queens Road bridge to link up with Lansdown Bridge; deploying Growth Deal 3 funds secured by CBC via GFirst LEP to connect Lansdown Bridge to Arle Court and Highways England funding for the link onwards to Gloucester via the B4063.
- 4.11** The Cheltenham resident's survey 2019 undertaken independently by BMG, and which has a high statistical confidence identified "promoting walking, cycling and public transport" as one of the top 3 priorities for residents; re-enforcing this desire for modal shift.

5 Air Quality Monitoring

- 5.1** CBC has a statutory responsibility for monitoring air quality. This led to the declaration of a borough wide air quality management area (AQMA) in 2014. Since that date, the data obtained by monitoring levels of NOx across the borough have indicated that areas of exceedance are small and isolated.
- 5.2** The location of monitoring points has varied over the 26 years that this monitoring has been carried out, and in July 2018, 7 new sites were installed to try and assess the impact of CTP Phase 4 on the air quality of the local area reflecting concerns raised by local constituents that the trial closure would either move or exacerbate poor air quality into residential streets. It is believed that Cheltenham now has one of the most comprehensive air quality monitoring networks in any town of its size.
- 5.3** It is worth noting that other towns and cities are exploring more radical solutions than simply removing through traffic. These include a proposed ban on fossil fuel vehicles in city centres by 2030 in Scotland; charges for all higher emission vehicles in Bath from 2020 in a bid to reduce nitrogen dioxide levels.
- 5.4** Recent detailed modelling of air pollution suggests that the area of exceedance is confined to a narrow corridor close to the A4109, running approximately from the junction of St. George's Street through Poole Way and High Street to the junction of Gloucester Road and Tewkesbury Road. A detailed independent report by Bureau Veritas is expected imminently, and it is anticipated that this will be used to revoke the whole-borough AQMA in favour of a more focused AQMA in the area worst affected. Re-declaring the AQMA will allow improvement efforts to be more focused on the area worst affected by air pollution.

- 5.5** In very general terms there has been a slow, steady decline in NO₂ levels over the last 10 years, as can be seen by the figures in the full report as row “Ave of long term sites”, which calculates the average annual level recorded at 16 sites that have operated continuously between 2014 and the present. This analysis has found a 7.5% drop in average level across that period. This is largely attributed to improvements in the emissions from HGVs and buses, along with modal shift away from domestic vehicle use, as reported by GCC traffic flow data.
- 5.6** Measured levels at “new” sites in operation since August 2018 are all in compliance with the 40ug/m³ limit with the exception of the site at Princess Elizabeth Way (North), where the initial 12 months of results suggest a slight exceedance. This site has already been identified as needing further investigation and is subject to more detailed modelling in a detailed assessment being carried out for the purposes of the AQMA review.
- 5.7** The comprehensive air quality monitoring analysis including trend data validated by Defra from 2014 is attached as appendix 3.
- 5.8** The conclusion from the data considered is that the CTP Ph.4 has made very little difference, either positive or negative to air pollution levels across the town. This is probably not surprising, as the scheme was not explicitly designed as a project to improve air quality. In some areas, closest to the trial restrictions there have been incidental improvements in air quality. In likely diversion routes around the town centre there may have been some small increases in pollution, but all monitored sites are still well within legal limits.
- 5.9** The Cheltenham resident’s survey 2019 undertaken independently by BMG, and which has a high statistical confidence, reported the fact that 75% of residents agree that CBC should try to reduce vehicle emissions in the borough and when focussed upon air quality 25% of responses identified that reducing the number of cars/traffic would improve air quality.

6 Economic Impacts

- 6.1** Determining the specific economic impact of the phase 4 trial beyond the direct LSTF outputs reported at the Council meeting on 21st January 2019 is not simple. All High Streets are under significant stress as a result of changing consumer behaviour; financial pressures for retailers and institutional landlords; rating challenges etc and Cheltenham is no exception.
- 6.2** It is recognised that Cheltenham is currently experiencing a number of retail closures including Kath Kidston, Whittards, LK Bennett and Karen Millen. However, these are national closures or restructures and not specific to Cheltenham. Whilst we have some units that are “sticking” due to contractual issues eg. former Austin Reed unit, other retail units churn very quickly, such as the former Laura Ashley store which has been taken by Anthropologie and the LKBennett store which has an application for change of use for a café.
- 6.3** The JCS retail review early headlines identified the following statistics in September 2019
- Cheltenham
 - Increase in convenience goods turnover from £20.6m in 2015 to £29.9m in 2019
 - Decrease in comparison goods turnover from £483m in 2015 to £436m in 2019
 - Loss of market share in clothing/fashion, health/beauty, furnishings and recreation goods
 - Sustained fall in vacancies since 2010. Vacant units now comprise 8% of all retail units below the national average of 12%

- Gloucester

17% of units vacant in the city centre.

Continued loss of market share to surrounding centres and the internet.

Fall in comparison goods turnover from £319m in 2015 to £269m in 2019

- Tewkesbury

Continued rise in vacancy levels. In 2019, 17% of all units in the centre now vacant

Falls in the amount of convenience and comparison retail businesses

Falls in convenience and comparison turnover levels. Comparison turnover has fallen from £25m in 2015 to £19m in 2019.

- General trends

Weaker growth in convenience and comparison goods spending.

Convenience expenditure unlikely to grow in the short to medium term.

Lower comparison goods expenditure growth than estimated in the 2015 JCS Retail Study will affect future capacity levels. Comparison goods retailers are now concentrating on just the larger town and city centres which will hit Cheltenham, Gloucester and Tewkesbury, but particularly the latter two centres. Town centres are experiencing an over-supply of space, recognised by the Government who are now promoting a much more diverse set of land uses in centres.

- 6.4** This data reflects the experience in Cheltenham, which has had challenges but nowhere as sustained as other Gloucestershire retail centres. The planning process is supporting changes of use and positive outcomes are being delivered. These include 30,000ft² of fully occupied office space in the Brewery Quarter, previously designated for retail; conversion of Formal House storage depot to town centre offices; conversion of the former BHS store in the Regent Arcade to a range of uses. The overall objective has been to diversify the town centre from a dependence upon retail only and by encouraging town centre employment and town centre living, footfall has been maintained. Equally other uses have been supported, in particular food and beverage and the leisure uses at the Brewery Quarter (cinema, gym, bowling); uses which in many towns are found out of the town centre.
- 6.5** In 2018 The Royal Society for Public Health (RSPH) ranked 70 High Streets based upon the number of payday lenders, bookmakers, tanning salons and fast food outlets; with the lowest ranking going to those towns with the greater number of these outlets. Cheltenham was ranked in the UK's 10 healthiest High Streets, so clearly resisting the challenges facing other towns.
- 6.6** Other positives include the JLP store being shortlisted for a national REVO award and also responses from national agents with Knight Frank citing Cheltenham town centre as ranked 9 out of 200 nationally for investment and Colliers International who noted "Polarisation between the 'best and the rest' retail locations is becoming increasingly apparent throughout the UK and this is no different for the South West. The dominant centres in the region, such as Bristol, Bath, Cheltenham, Exeter and Plymouth, continue to benefit from good levels of demand and relatively low levels of vacancy. An example is Cheltenham, where rents remain unchanged from 2017 and the town will welcome a new 115,000 sq ft John Lewis department store in October of this year."
- 6.7** The BID undertook a survey to attempt to identify the impact of the traffic trial on town centre performance. Unfortunately only 28 of 531 (5.2%) eligible BID members participated; the majority of those taking part expressing concerns although not necessarily empirically evidenced. As the survey was undertaken just prior to the changes implemented in June 2019 the BID held a further

survey, to better understand the implications of the changes undertaken by GCC to respond to earlier concerns about the trial. This survey was conducted with those initial 28 respondents but only 5 responses were received.. As a consequence CBC and GCC offered to meet with the initial 28 respondents to explore their concerns. This meeting on 27th September 2019 was well attended and a constructive dialogue identified some on-going key concerns. These included the items below with responses from GCC and CBC

- Confusion for visitors – hopefully addressed once trial status determined and satnav companies update maps
- What happens when all the new houses arrive as part of the JCS? - GCC have committed up to £1m capital spend in 2020 to address the A4019 corridor. Additionally £22m will be spent on the A40 Arle Court starting May 2020 and that a major bid had been submitted to upgrade J10. All actions that would assist with wider traffic movements within the town.
- Clarence Parade need for parking for business use – recognised that the trial coincided unhelpfully with the withdrawal of permits as part of a wider review. GCC to explore options
- Rodney Road is perceived to be attracting too much use and junction with High Street perceived as risky to pedestrians - GCC have explored options including 'soft' traffic calming (planters, signage etc) but we believe want a final determination on the trial before finalising a strategy. Signage for key districts such as Montpellier - Could better signage be deployed at P&R and Royal Well. GCC/CBC to explore

7 Longer term factors

- 7.1 Both the GCC traffic flow data and air quality monitoring demonstrate challenges associated with the A4019 corridor. It would appear that the trial has not significantly impacted upon these measures in this location either positively or negatively and that longer term challenges associated with this stretch of highway remain. The most recent GCC bluetooth data notes that the A4019 continues to experience significant variability in travel times.
- 7.2 GCC have however committed significant funding (£1m has been quoted) in their 2020/2021 capital programme to undertake traffic light improvement works, to help support the long term housing growth associated with the Joint Core Strategy land allocation at NW Cheltenham. Critically this could involve software upgrades so that the various sets of traffic lights interact with each other rather than stand alone. It is understood, that whilst not a panacea, that this traffic light synchronisation work will assist in improving performance (journey times) along this route and equally assist with more rapidly dispersing some of the traffic on South to North journeys. The specific timescale for this work is yet to be announced by GCC, although it is understood that preliminary investigations have already been undertaken.
- 7.3 Should the TRO committee recommend that the trial be made permanent and this is ratified by GCC, then future steps can be planned and implemented. These will focus upon a range of ambitions including further improving cycling, pedestrian and bus routes in line with the 'Connecting Cheltenham' work and emerging LTP, and also the opportunity to progress the wider ambition for upgrading of the High Street / central core in line with the 'fly-through' published and promoted in July 2019.
https://www.cheltenham.gov.uk/news/article/2289/how_your_high_street_could_look
The fly-through had in excess of 10,000 hits and whilst the number of viewers completing the survey was low at c150 the general response was supportive of improvements.

7.4 At Boots corner itself the ambition will be to consolidate the temporary works undertaken to support the trial into a permanent quality setting. This will permanently reclaim the road space prioritised for pedestrians within the experimental traffic regulation order. Elements such as the pelican crossing are anticipated to remain to align with requests from the accessibility advisory group. The final design for the wider space will be determined once a decision is made on the experimental TRO and may well include a water feature, but importantly it will not retain the fake grass which has been a temporary measure during the trial and has attracted a mixture of support and ridicule but most importantly, as demonstrated by the data measuring those sitting at Boots Corner, the importance that pedestrians and cyclists attach to usable public space at this central point in the town.

8 Conclusion

8.1 The original LSTF bid in 2012 was predicated upon reducing severance at Boots Corner and re-invigorating the town centre. Clearly many factors have changed since that time, not least the dramatic change in consumer spending patterns and the growing importance of climate change.

8.2 Whilst the trial has faced criticism, as noted by the 21st January 2019 petition, it has critically been over making certain journeys more challenging, and claims of consequential impacts, such as significant traffic dispersal to residential streets, and air pollution impacts. However, the data collected as part of the wider trial monitoring does not substantiate these claims, and the issue of more challenging journeys is a consequence of closing a through route and encouraging individuals to consider alternative travel options. Specific concerns and allegations include:

- *The relocation of Boots Corner traffic to residential streets.* The reality is, as predicted, that many journeys have 'evaporated', or put another way have simply not started. Individuals choosing to use alternatives to the private motor vehicle borne out by the additional footfall, greater bus patronage and reduced car flows; as noted the transfer of individuals from private motor vehicle to bus alone significantly reduces the vehicle movement on the network. Significant concern has been raised about specific routes within the town, for example College Road but the GCC data demonstrates a 12% increase in traffic flows on this road, and not the apocalyptic 20 fold increase reported on social media. This is not to say that pinchpoints do not persist and the A4019 corridor and some associated feeder routes such as St George's Street (36% increase equating to an additional 18 vehicles per hour over 24 hours) remain a challenge but one that will be improved in 2020 by GCC and their commitment to a traffic light improvement scheme along this corridor.
- *Air quality will deteriorate particularly in residential areas.* With the benefit of one of the most comprehensive air quality monitoring networks in any comparable town it is clear that Boots Corner has not resulted in major air quality deterioration. The situation is essentially benign with no major positive or negative changes but critically a longer term gradual improvement, reflecting falling traffic volumes, which will hopefully continue given the propensity of individuals to pursue modal shift and use alternatives to the private motor vehicle, plus the growing popularity of hybrid and electric vehicles and the on-going upgrade of the Stagecoach bus fleet.
- *Visitors will be driven away from Cheltenham.* The BID survey carried out by CARD and reported to full Council on 21st January 2019 identified that less than one in four town centre users came to Cheltenham by car, the majority arriving by bus or on foot. The increase in

bus patronage allied to the footfall data does not validate this assertion. Cheltenham has been performing well against regional and national footfall trends which generally are in decline. Additionally investors are very active in Cheltenham with current developments and refurbishments at the Quadrangle and 111-117 High Street, and recently completed schemes at Honeybourne Place and the Brewery

- *Buses and pedestrians do not mix.* Given that this scenario has been operative for over a decade from Boots Corner to the Brewery without serious incident, and is common place in many other European cities, it is pleasing to note that this mix, which also includes taxis has been operating successfully.
- *The scheme is only there to make money for the Council.* This was clearly far from the intention and the scheme would not have secured funding from the DfT had this been the case. GCC have publicly advised that the fines levied as the disincentive on non-exempt vehicles from driving within the exemption zone has effectively funded the on-going maintenance of the trial.
- *The Cheltenham Transport Plan is explicitly designed to allow CBC to sell off the Municipal Office buildings.* It is no secret that CBC has a desire to relocate to more suitable office accommodation but this will only happen when a suitable alternative arises. CBC has acquired alternative office properties but as these are currently let it assists in keeping council tax costs under control. Should the CTP be made permanent it will allow an opportunity to consider how better to utilise Royal Well and the Inner Promenade which have effectively been nothing but traffic islands around which traffic has flowed for too long. Reducing the traffic flows as has happened during the trial period creates the circumstances to explore options not focussed purely on vehicle movements and which will benefit all occupants of the Inner Promenade and wider area.
- *The fake grass and bicycle stands at Boots Corner are not befitting of the town.* Both measures were temporary in line with the experimental traffic order requirements. Should the trial be made permanent then a more ambitious quality solution will be proposed in line with the recent “fly-through” promoted by CBC in July 2019.
- *The town centre will be less attractive to individuals with disabilities.* Clearly this was never the intention which was why GCC provided additional blue badge bays both prior and during the trial such that there are now more dedicated blue badge bays than pre-trial, and the Pelican crossing at Boots Corner was retained. It is fully recognised that blue badge holders have had to change their driving and parking patterns to align with the current restrictions, but the increased number of wheelchair/ mobility scooter users recorded passing through Boots Corner itself since the trial began suggests that the traffic removal has not had a detrimental impact on access to the town centre. Additionally any future re-modelling of Boots Corner, should the traffic regulation order be made permanent, will result in further consultation with local accessibility groups.

8.3 The footfall data across Boots Corner and the significant investment at the two ‘bookends’ of the High Street (Brewery Quarter and former Beechwood shopping centre) demonstrate that the original intention of the Local Sustainable Transport Fund, to reduce severance at Boots Corner and re-invigorate the town centre has been met.

- 8.4** Given that the 2018, traffic volumes across Cheltenham were approximately 20% lower than they were in 2008, and that GCC believe that this pattern is likely to continue given the rise in home working and modal shift, one can conclude that overall the trial has demonstrated positive impacts for the town, and given the joint need of CBC and GCC to take measures to address climate change it would be a retrograde step to deliberately encourage thousands of vehicles a day back into the heart of the town by reversing the positive gains demonstrated by the trial. This is further supported by the fact that the trial has not created air quality hot spots elsewhere and that the pre-existing challenge along the A4019 remains to be addressed by GCC planned interventions in 2020.

9 Reasons for recommendations

- 9.1.** Notwithstanding the concerns raised by residents and businesses, the balance of evidence generated from a wide range of sources does not demonstrate many of the negative outcomes that many predicted or feared. Having given full consideration to the issues and concerns, and recognising that there are a limited number of routes with traffic increases (as noted by the GCC traffic flow report), on balance the positives outweigh the negatives. Key factors are that town-wide traffic flows are reducing, air quality is on a gradual improvement, modal shift is improving, GCC has committed capital funds in 2020 which will help alleviate the persistent pre-trial and during trial A4019 traffic flow and air quality challenge, the town continues to perform favourably, and the recent Cheltenham Residents' Survey identifies an appetite for traffic reduction, so this is a time for CBC to demonstrate its leadership and commitment to the wider climate change agenda.

10 Alternative options considered

- 10.1** The alternative option is for CBC not to urge the County Council to make the ETRO permanent. If the County Council did not make the order permanent the traffic regulation would revert back to the pre-ETRO position and effectively re-introduce c10,000 additional vehicles per day back into Boots Corner.

11 How this initiative contributes to the corporate plan?

- 11.1** Provides a platform and early win for the climate change journey

12 Consultation and feedback

- 12.1** The trial has been subject to consultation by GCC since 28th June 2018 when the initial trial was implemented. The consultation will close on 3rd December 2019, following 6 months after the changes were made to Clarence Street/Clarence Parade following earlier feedback. In addition CBC has been collecting wider data on footfall specifically through Boots Corner and data from Stagecoach. Beyond this CBC has engaged with a range of stakeholders including Cheltenham BID, Cheltenham Chamber of Commerce and the Civic Society.

Report author	Contact officer: tim.atkins@cheltenham.gov.uk, 01242 264103
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. CTP phase 4 update from GCC 3. CTP data from CBC environmental health team
Background information	<p>Specific detail can be found on the GCC website at</p> <p>https://www.gloucestershire.gov.uk/highways/consultations/cheltenham-transport-plan/</p>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Should GCC make the TRO permanent CBC will need to further engage with the accessibility forum to ensure that any associated public realm changes do not create an inequality impact			4	1	4	Accept	Liaise with accessibility forum			
	A decision to re-introduce c10,000 vehicles per day back into the town centre will damage opportunities to deliver the climate change agenda and hence CBC & GCC reputation			5	3	15	Reduce	Encourage GCC to make the Boots Corner trial permanent			
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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CTP Phase 4 Update Report

Executive Summary

The traffic data collected during March 2019 suggests the closure of Clarence Street as part of the Cheltenham Transport Plan Experimental Traffic Regulation Order is having only a limited effect on the wider traffic network.

Compared with pre-Cheltenham Transport Plan traffic data from 2015, three sites are showing traffic increases over the 20% background growth threshold:

- St. George's Street
- St. James' Square
- Winchcombe Street (South)

The increases on St. George's Street, St. James' Square and Winchcombe Street (South) are not unexpected, as they are on northbound routes immediately either side of the restricted route. Traffic data and feedback received during the trial is currently being reviewed and options to consider and address the increases in traffic along immediate alternative routes are being considered.

It should be noted that whilst traffic flows at St George's Street, St James' Square and Winchcombe Street (South) have increased above the 20% traffic growth threshold considered reasonable, traffic volumes across Cheltenham between 2008 and 2015 decreased by approximately 13% and are continuing to fall. In 2018, traffic volumes across Cheltenham were approximately 20% lower than they were in 2008. This pattern is likely to continue given the rise in home working and modal shift. In summary, although traffic increases have been seen on some routes because of the Experimental Traffic Regulation Order, traffic flows largely are still less than they were in 2008.

Analysis of Bluetooth journey time data shows journey times along key routes in Cheltenham have remained, for the most part, unchanged since the implementation of the trial closure. Journey times have increased on the following routes, but by no more than one minute:

- Saints Corridor northbound in the PM peak period.
- A4019 eastbound between Gloucester Road and North Place in the AM and PM peak periods.

1. Introduction

1.1. General

1.1.1. This note provides an update on the Experimental Traffic Regulation Order (ETRO) which comprised the fourth phase of the Cheltenham Transport Plan (CTP).

1.1.2. It presents a summary of network traffic impacts in terms of Average Annual Daily Traffic flows at monitoring sites and journey times along key routes. For the purposes of comparison, recent traffic data collected in March 2019 is compared with base traffic flows counted in November 2015 before the CTP schemes were introduced.

1.2. Scheme Overview

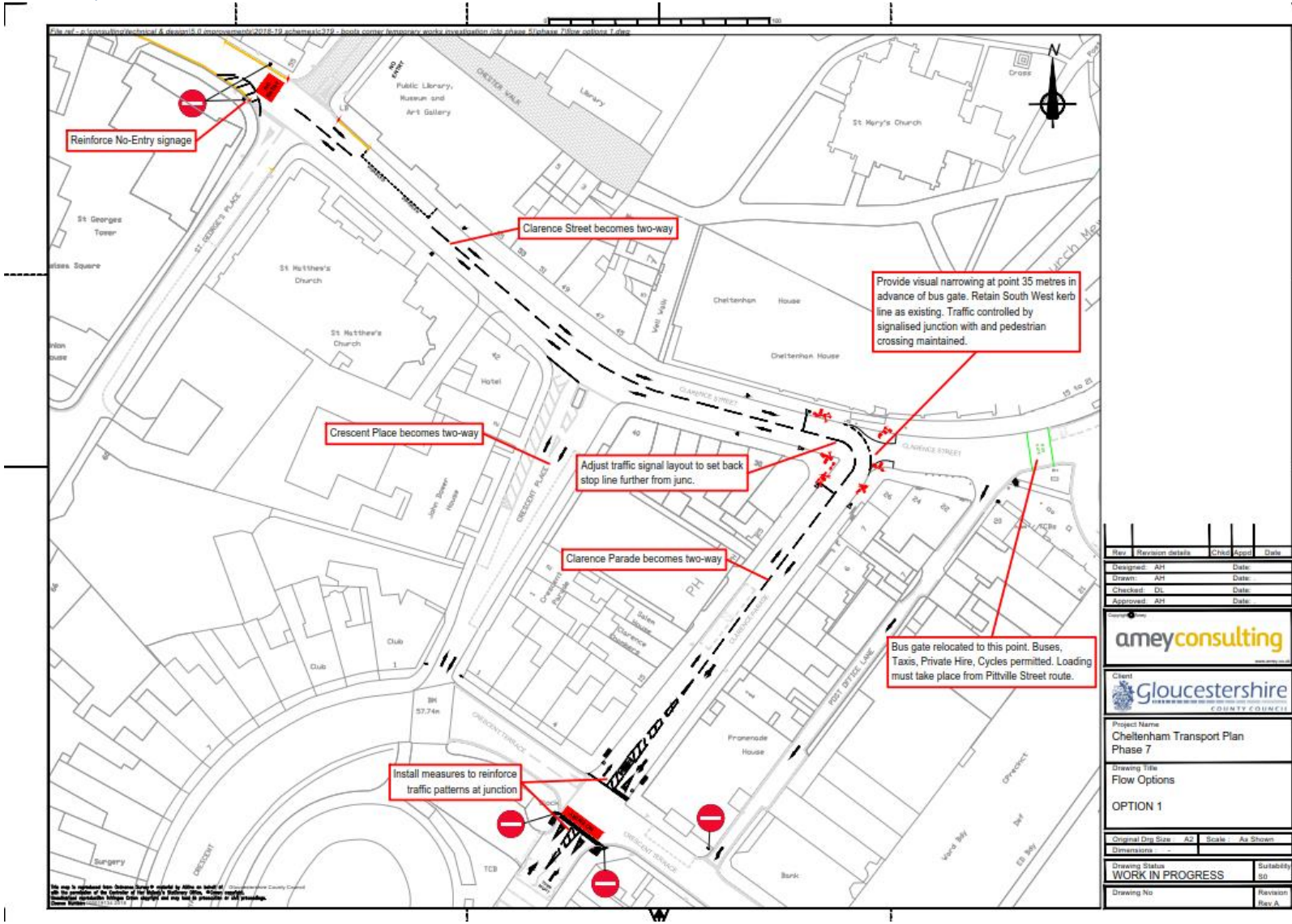
1.2.1. The Lead Cabinet Member Briefing Paper presented in December 2018 set out proposed amendments to the trial to address feedback received, primarily:

- Concerns / comments on traffic increases on other routes around the town and increases in journey time. Streets mentioned include St. George's Street and Rodney Road;
- Signage comments, most of which were recorded in the initial month, and have decreased following the additional traffic management introduced in August 2018;
- Access for businesses on Clarence Parade and the western end of Clarence Street; and
- Blue Badge Holder access to Pittville Street.

1.2.2. The revised scheme features a 24-hour bus gate in Clarence Street between Post Office Lane and Imperial Circus to limit northbound traffic progressing along Clarence Street to buses and taxis. No exemptions for service vehicles are required through the bus gate, as service access to all properties is possible either via Pittville Street or via Clarence Parade / Street.

1.2.3. This approach removes Clarence Parade / western end of Clarence Street from the experimental area. These streets have been made two-way, with the acute turn between the two streets being controlled by a signalised junction as agreed in Phase 4 of the Cheltenham Transport Plan (see figure 1 below).

Figure 1 – Clarence Parade / Clarence Street Scheme Outline



2. Timescale for amendments

- 2.1.1. The ETRO commenced on 28th June 2018, and will run until 28th December 2019.
- 2.1.2. Provisional dates and possible outcomes are set out below:
 - 2.1.2.1. Consultation end date is 3 December.
 - 2.1.2.2. TRO committee 11 December
 - 2.1.2.3. Cabinet 17th December.
 - 2.1.2.4. **Possible outcome 1** – Cabinet decision to make the order permanent – *this would involve making the order before 27th December. Minor works would be required in early 2020 to make the ETRO scheme permanent.*
 - 2.1.2.5. **Possible outcome 2** – Abandon the ETRO – *this outcome would require changes to enforcement of the bus gate and the parking and loading restrictions. – Clarence Street and Clarence Parade are two-way roads and changes to waiting and loading restrictions would be required for which further consultation would be required. All traffic regulations would revert to how they were pre phase 4 (phase 1,2,3)*

3. CTP Phase 4 – Network Traffic Effects.

3.1. Pre-CTP traffic data collection

3.1.1. A baseline assessment of the pre-CTP traffic flows on a range of roads across Cheltenham was collected in early November 2015 for two weeks using GCC's in-situ fixed Automatic Traffic Counters (ATCs) and additional traffic volume / speed surveys to cover other residential routes which may experience displacement effects.

3.1.2. The timing of the data collection was undertaken in line with Department for Transport TAG unit M1.2.

3.1.3. The fixed Automatic Traffic Counter sites used:

- A4019 Poole Way south of Swindon Road;
- A46 St. Johns Ave north of Albion Street;
- A435 High Street east of St. James Street;
- A435 London Road west of Keynsham Road;
- A46 St George's Road east of Royal Well Road;
- A46 Imperial Square at junction with Rodney Road;
- Ambrose Street north of Knapp Road;
- Rodney Road north of Imperial Square;
- A46 Albion Street west of St. Johns Road;
- Gloucester Place;
- Winchcombe Street;
- A46 North Place;
- Wellington Street;
- Bath Street;
- Clarence Street;
- St George Place; and
- A46 Royal Well Road.

3.1.4. The additional traffic volume / speed surveys were initially carried out for a period of two weeks in early November 2015. The location of the residential additional survey sites were:

- Monson Avenue;
- Clarence Square; (fixed counter installed in 2017)
- All Saints Road;
- Fairview Road;
- Bayshill Road;
- College Road;
- St. George's Street;
- High Street;
- St. James' Square;
- Imperial Square (southern side); and

- Montpellier Spa Road.

3.1.5. The combined survey locations are shown in Figure 2 below.

Figure 2 – Traffic Flow Survey Locations

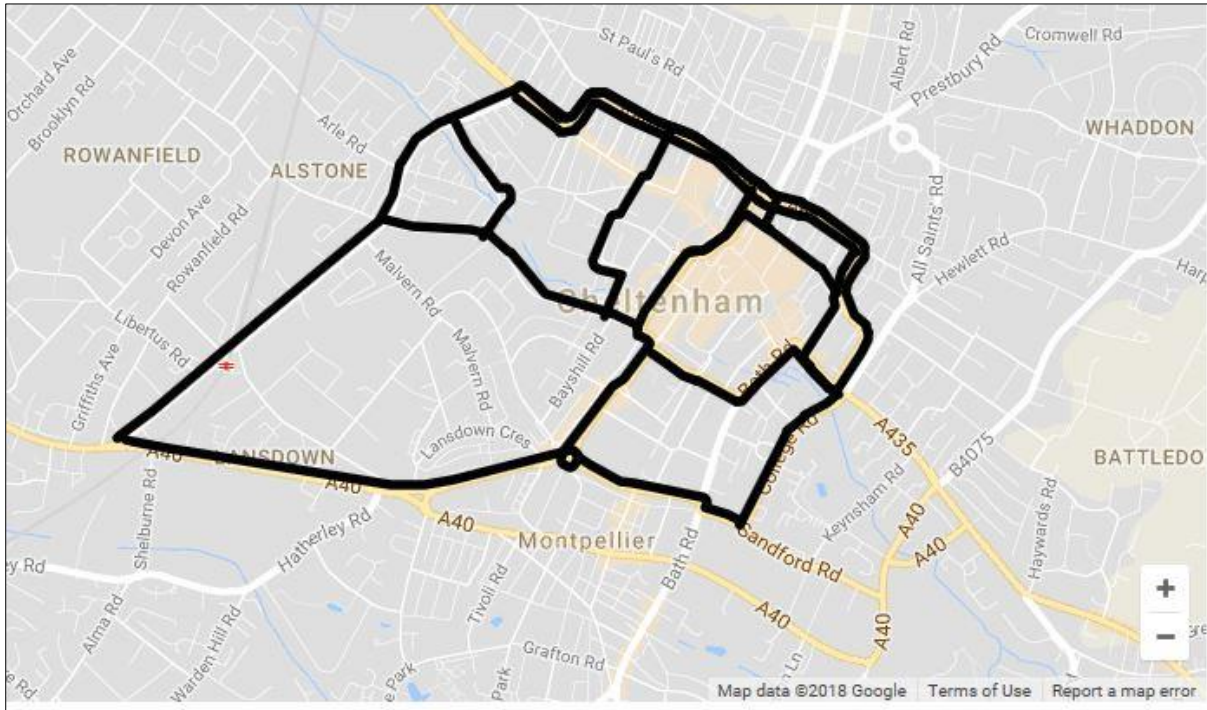


3.1.6. The combined survey sites provide comprehensive coverage over the town, enabling a wide-ranging picture of existing flow volumes to be built up.

3.1.7. Alongside the temporary traffic volume / speed surveys, a network of Bluetooth sensors has been installed on the main routes around the town centre.

3.1.8. The Bluetooth route coverage is shown in Figure 3 below

Figure 3– CTP Phase 4 Bluetooth Journey time route network



Source: - Drakewell C2

- 3.1.9. Since the 2016 Post-Phase 1 survey, the GCC survey team have undertaken a review of the fixed ATC sites in Cheltenham. Two fixed ATC sites, 5053 Wellington Street and 5054 Bath Street were decommissioned.
- 3.1.10. The decommissioning of the sites was done in correspondence with the CTP Project Manager, to ensure that the integrity of the CTP monitoring was maintained. The counter locations of these are not critical to the CTP monitoring, as they were located on a one-way loop, within the Inner Ring Road.
- 3.1.11. The decommissioning of the two sites has provided equipment to be re-allocated to establish a permanent ATC site in Clarence Square and an additional site on Winchcombe Street, South of Albion Street, to monitor traffic flow on the High Street – Winchcombe Street corridor.

3.2. Acceptable Traffic Growth

- 3.2.1. Daily traffic flows can vary significantly due to a wide range of factors including weather, road traffic collisions, congestion elsewhere on the network and local events. Therefore, an allowance for daily variation in traffic flows needs to be included within any analysis of future traffic flows on local roads.
- 3.2.2. The baseline traffic surveys were undertaken in 2015 and the Boots Corner trial commenced in 2018. There is a need to take account of background traffic growth on the network before

considering the impact of the Boots Corner closure. The UK Government produces a set of traffic growth forecasts and supporting software, TEMPRO. For Cheltenham, TEMPRO forecasts a 4.44% traffic growth between 2015 and 2018. Additionally, the Department for Transport (DfT) guidance suggests that automatic traffic survey equipment confidence values should be plus / minus 5%, or a variation of 10%¹. Therefore increases in traffic in 2018 of up to 9.44% over 24 hours will be discounted as this is demonstrably due to background traffic growth and daily variation.

- 3.2.3. Boots' Corner was temporarily closed for a week in May 2009. Traffic surveys were undertaken before, during and after the closure at a total of 24 locations across the town to understand the impacts of the closure. The 2009 surveys showed that the majority of roads had showed less than 10% increase in traffic during the Boots' Corner closure over a 24 hour period. Combined with the 9.44% variation in background growth, a 20% increase in traffic has been taken as the threshold for an acceptable level of traffic growth.

3.3. March 2019 average 24hr traffic flows

- 3.3.1. A two-week data collection exercise was undertaken in early March 2019.
- 3.3.2. Table 1 below provides a comparison of the average 24-hour flow recorded in March 2019 with the pre-CTP traffic flows in 2015, ordered in descending order from the largest 7 day percentage difference irrespective of permanent or temporary site (temporary sites are numbered).
- 3.3.3. The average seven-day 24 hour two-way flow has been used as the primary indicator for assessing and comparing the traffic flow at each site, as the scheme is in place 24 hours a day, 7 days a week. This approach allows a relatively rapid analysis of the large number of sites to be undertaken. If any of the sites show changes which are unexpected, the detailed data for individual sites can be investigated further.

¹ Paragraph 3.3.32, DfT TAG Unit M1.2 Data Sources and Surveys, January 2014
Aug-2019

Table 1 Comparison of average 24 hour two-way flows: March 2019 and November 2015 (immediately prior to CTP)

Survey Site	24 Hour Flow (Working day flow over survey period)				24 Hour Flow (7 day flow over survey period)			
	Nov-15	CTP4 Mar 19	Difference	% difference	Nov-15	CTP4 Mar 19	Difference	% difference
5069 Winchcombe Street South <small>See Note 5</small>	1919	3442	1523	79%	1842	3184	1342	73%
St George's St <small>See Note 2</small>	2493	3392	899	36%	2372	3300	928	39%
St James Square <small>See Note 3</small>	5239	7063	1824	35%	4798	6630	1832	38%
Clarence Square <small>See Note 1</small>	8672	9978	1306	15%	8202	9412	1210	15%
5047 Rodney Road <small>See Note 5</small>	6941	7970	1029	15%	6817	7827	1010	15%
College Road	8733	9747	1014	12%	8071	9061	990	12%
High Street	6327	7270	943	15%	6103	6767	664	11%
Montpellier Spa Road	606	700	94	16%	580	615	35	6%
5035 Imperial Sq North	13573	14074	501	4%	13007	13447	440	3%
Monson Ave	2333	2399	66	3%	2229	2269	40	2%
5021 Poole Way	15210	15296	86	1%	14649	14645	-4	0%
5026 St. Johns Ave	14374	13423	-951	-7%	13432	12602	-830	-6%
5031 London Road	15765	15065	-700	-4%	14946	14100	-846	-6%
5030 High Street	16713	15563	-1150	-7%	15961	14854	-1107	-7%
Fairview Road	1815	1681	-134	-7%	1689	1558	-131	-8%
5049 Gloucester Pl	2298	2120	-178	-8%	2188	2011	-177	-8%
Bayshill Road	8711	8125	-586	-7%	8123	7254	-869	-11%
All Saints Road	8195	6813	-1382	-17%	7530	6611	-919	-12%
5058 Clarence Street	5597	4982	-615	-11%	5242	4629	-613	-12%
Imperial Square South	3392	2992	-400	-12%	3194	2704	-490	-15%
5050 Winchcombe St	2433	1816	-617	-25%	2423	1791	-632	-26%
5034 St. George Road	16097	11680	-4417	-27%	15918	11289	-4629	-29%
5059 St. George Pl	4955	3644	-1311	-26%	4754	3377	-1377	-29%
5044 Ambrose St	13163	9514	-3649	-28%	12906	8999	-3907	-30%
5048 Albion Street	8164	5322	-2842	-35%	7956	5107	-2849	-36%
5052 North Place	4523	2241	-2282	-50%	4494	2147	-2347	-52%
5060 Royal Well	8896	2140	-6756	-76%	8653	2060	-6593	-76%
TOTAL FLOWS	207137	188452	-18685	-9%	198079	178250	-19829	-10%

Note 1: Baseline data from November 2012 & October 2016

Note 2: On northbound route west of Boots Corner

Note 3: On northbound route west of Boots Corner

Note 4: Includes traffic accessing Regent St and multi storey car park

Note 5: On northbound route east of Boots Corner

3.3.4. The data in Table 1 shows that in comparison to the pre-CTP 2015 flows, CTP Phase 4 has had a limited effect on the overall network to date. Most sites show increases broadly in line with expected levels of background traffic growth (broadly 4% between 2015 and 2019) or have seen reductions in traffic since 2015. Three sites show increases in traffic over 20%:

- St George's Street

- St James's Square
- Winchcombe St South

- 3.3.5. It should be noted that whilst traffic flows at St George's Street, St James's Square and Winchcombe St South have increased above the 20% traffic growth threshold, traffic volumes across Cheltenham between 2008 and 2015 decreased by approximately 13% and are continuing to fall (Analysis of GCC ATC data). In 2018, traffic volumes across Cheltenham were approximately 20% lower than in 2008. This pattern is likely to continue given the rise in home working and more people commuting on bicycles. In summary, although traffic increases have been seen on some routes because of the ETRO, traffic flows largely are still less than they were in 2008.
- 3.3.6. Table 2, Figure 4 and Figure 5 below provide summaries of the traffic data collected to monitor the trial during 2018 to March 2019.

Table 2 Comparison of Phase 3 & Phase 4 24 hour two way flows (Phase 3 - February/March 2018. Phase 4 - September, November 2018 and March 2019)

Survey Site	Feb / March 2018	Sep-18	Nov-18	Mar-19	% difference
5059 St. George Pl ^{See Note 4}	1750	3319	3067	3377	93%
5049 Gloucester Pl ^{See Note 3}	1055	1850	1855	2011	91%
5069 Winchcombe St South ^{See Note 5}	1842	2863	3132	3184	73%
Bayshill Road	5217	7749	7998	7254	39%
St George's St. ^{See Note 1}	2452	2963	2924	3300	35%
St James Square ^{See Note 2}	5385	6584	6630	6767	26%
5047 Rodney Road	6408	7520	8376	7827	22%
5035 Imperial Sq	12435	12955	13861	13447	8%
Monson Ave	2136	2237	2341	2269	6%
College Road	8697	8862	9181	9061	4%
5050 Winchcombe St	1754	1695	1721	1791	2%
5021 Poole Way	14861	14741	15131	14645	-1%
5026 St. Johns Ave	12982	12727	12853	12602	-3%
Clarence Square	9794	9741	10531	9412	-4%
5030 High Street	15745	14578	15118	14854	-6%
High Street	6763	6173	5993	6288	-7%
5031 London Road	15197	14504	17466	14100	-7%
5058 Clarence Street	5086	4523	4590	4629	-9%
Imperial Square South	3053	2829	3072	2704	-11%
Fairview Road	1762	1574	1659	1558	-12%
5034 St. George Road	13155	11156	11409	11289	-14%
5048 Albion Street	6044	4792	5210	5107	-16%
All Saints Road	8504	8480	9115	6611	-22%
5044 Ambrose St	11925	9621	10214	8999	-25%
Montpellier Spa Road	854	627	726	615	-28%
5052 North Place	4262	2014	2153	2147	-50%
5060 Royal Well	7343	1524	1847	2060	-72%
TOTAL FLOWS	186461	178201	188173	177908	-5%

Note 1: On northbound route west of Boots Corner

Note 2: On northbound route west of Boots Corner

Note 3: On northbound route east of Boots Corner (Rodney/Winchcombe/Gloucester Place)

Note 4: On northbound route west of Boots Corner

Note 5: On northbound route east of Boots Corner (Rodney/Winchcombe/Gloucester Place)

Figure 4 – Comparison of CTP temporary ATC site traffic flows – 2015 to March 2019

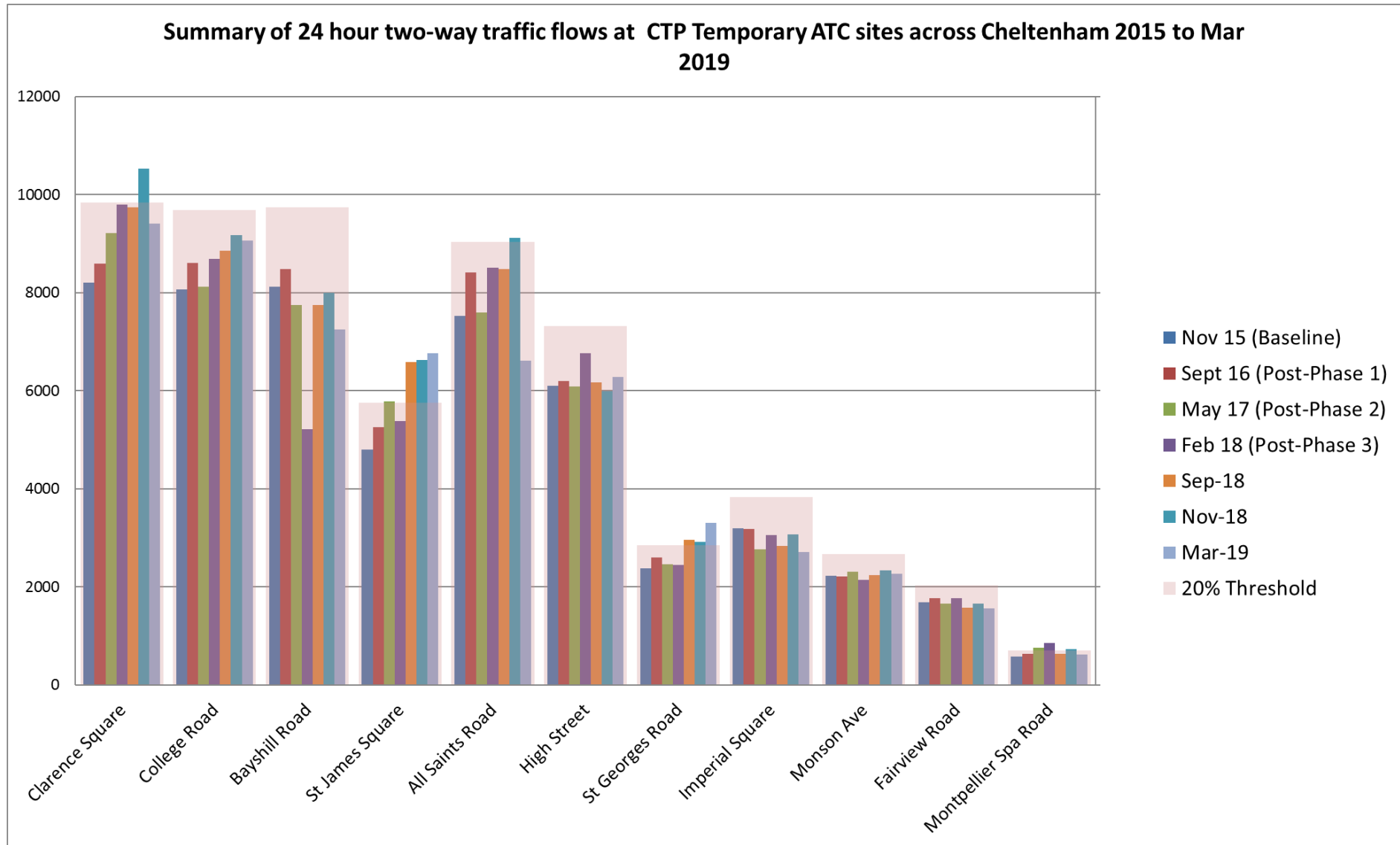
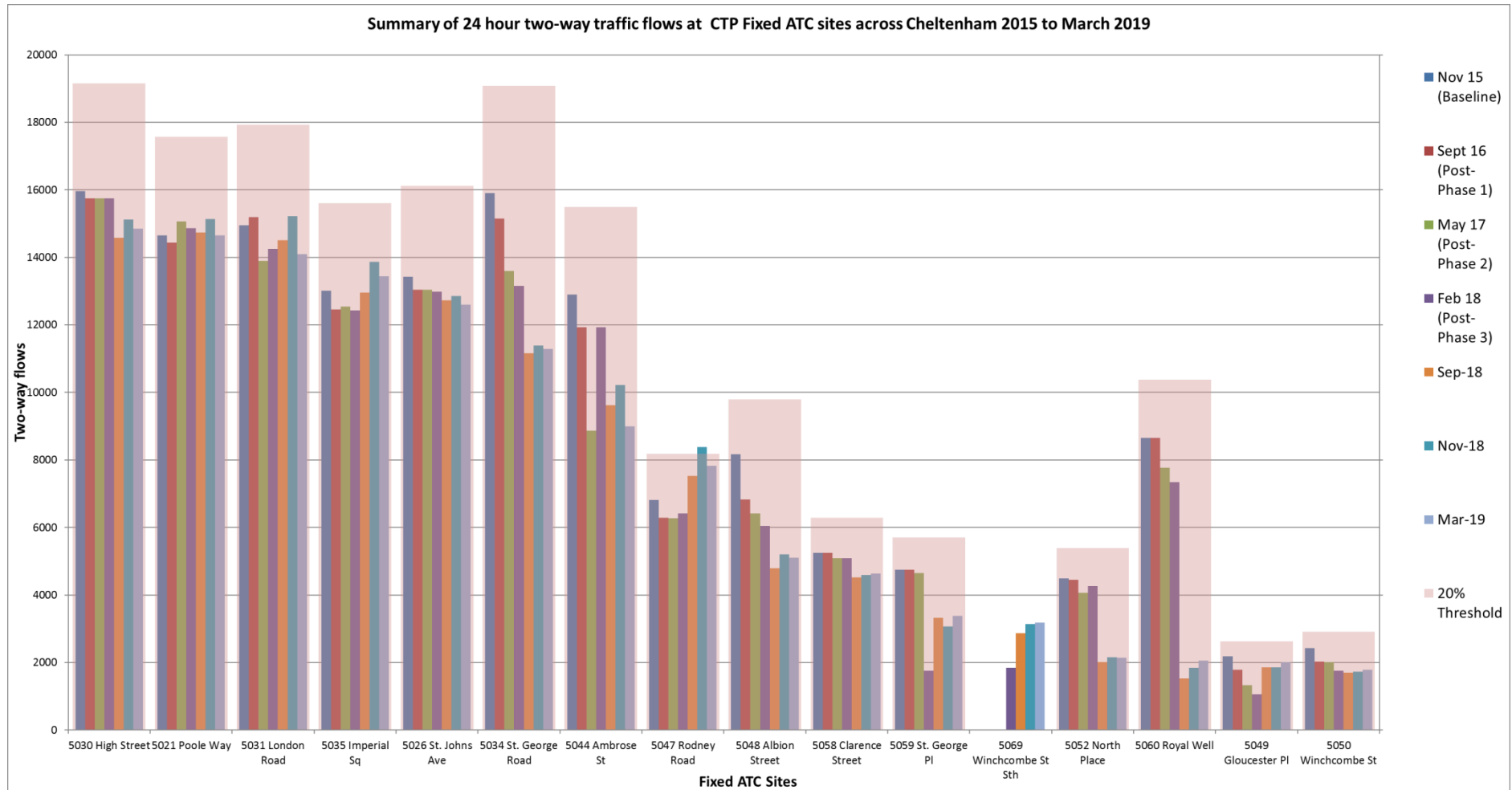


Figure 5 – Comparison of CTP Fixed ATC site traffic flows – 2015 to March 2019



3.3.7. Figure 4 and Figure 5 show traffic flows at the count locations plotted on charts. The wide pink bar represents the level of accepted traffic growth based on 2015 traffic flows (20% increase). Looking at March 2019 traffic flows in Figure 4, traffic flows on St George's Road and St James' Street increased above the 20% threshold. Further analysis of traffic flows on St George's Street and St James' Square is provided below.

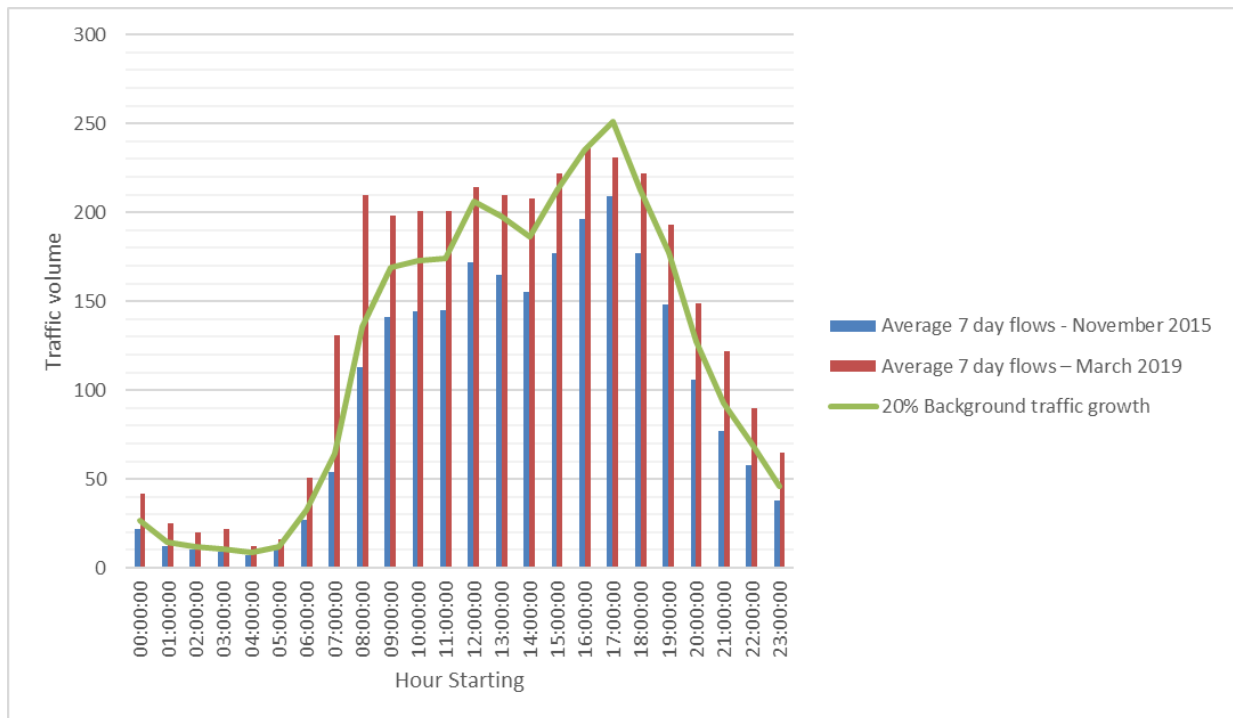
St. George's Street

3.3.8. Table 3 and Figure 6 below provide a comparison of the November 2015 and March 2019 traffic flows on St. George's Street. St. George's Street is a one-way northbound only street between High Street and Swindon Road to the north.

Table 3 – Comparison of traffic flows on St. George's Street between Pre-CTP (November 2015) and Phase 4 (March 2019)

Hour Starting	Average 7 day flows - November 2015	Average 7 day flows – March 2019
00:00:00	22	42
01:00:00	12	25
02:00:00	10	20
03:00:00	9	22
04:00:00	7	12
05:00:00	10	16
06:00:00	27	51
07:00:00	54	131
08:00:00	113	210
09:00:00	141	198
10:00:00	144	201
11:00:00	145	201
12:00:00	172	214
13:00:00	165	210
14:00:00	155	208
15:00:00	177	222
16:00:00	196	236
17:00:00	209	231
18:00:00	177	222
19:00:00	148	193
20:00:00	106	149
21:00:00	77	122
22:00:00	58	90
23:00:00	38	65
TOTAL	2372	3289

Figure 6 - Comparison of St George’s Street traffic flows – November 2015 compared with March 2019.



3.3.9. Figure 6 presents traffic flows on St George’s Street by the hour. The green line on the chart represents where 20% background growth would be on the chart. It can be seen that traffic flows on St. George’s Street have increased higher than forecast in the AM peak period (the red columns are shown to be above the green line). In the PM peak, traffic flows are generally following forecast.

3.3.10. Given the experimental TRO on Clarence Street/North Street and the consequential rerouting of traffic, traffic flows on St George’s Street have increased by 16% above the 20% background growth threshold. In real numbers, this is an additional 18 vehicles per hour over 24 hours (averaged).

St James’ Square

3.3.11. Table 4 and Figure 7 & Figure 8 below provide a comparison of the November 2015 and March 2019 traffic flows on St James Square.

Table 4– Comparison of traffic flows on St. James Square between Pre-CTP (November 2015) and Phase 4 (March 2019)

Hour starting	Northbound			Southbound		
	Nov-15	Mar-19	Difference	Nov-15	Mar-19	Difference
00:00:00	25	36	11	8	24	16
01:00:00	16	23	7	4	14	10
02:00:00	12	14	2	3	10	7
03:00:00	11	12	1	3	8	5
04:00:00	9	12	3	4	8	4
05:00:00	12	20	8	5	17	12
06:00:00	27	60	33	17	59	42
07:00:00	106	171	65	82	165	83
08:00:00	207	310	103	166	229	63
09:00:00	195	290	95	136	161	25
10:00:00	178	273	95	110	131	21
11:00:00	197	274	77	110	121	11
12:00:00	218	326	108	119	132	13
13:00:00	215	319	104	109	130	21
14:00:00	218	305	87	113	129	16
15:00:00	224	312	88	114	133	19
16:00:00	277	341	64	121	153	32
17:00:00	336	346	10	127	149	22
18:00:00	216	273	57	98	142	44
19:00:00	158	214	56	74	139	65
20:00:00	104	171	67	45	104	59
21:00:00	82	132	50	35	92	57
22:00:00	66	103	37	28	70	42
23:00:00	38	67	29	20	43	23
TOTAL	3146	4404	1258	1652	2363	711

Figure 7 - Comparison of St James' Square Northbound traffic flows

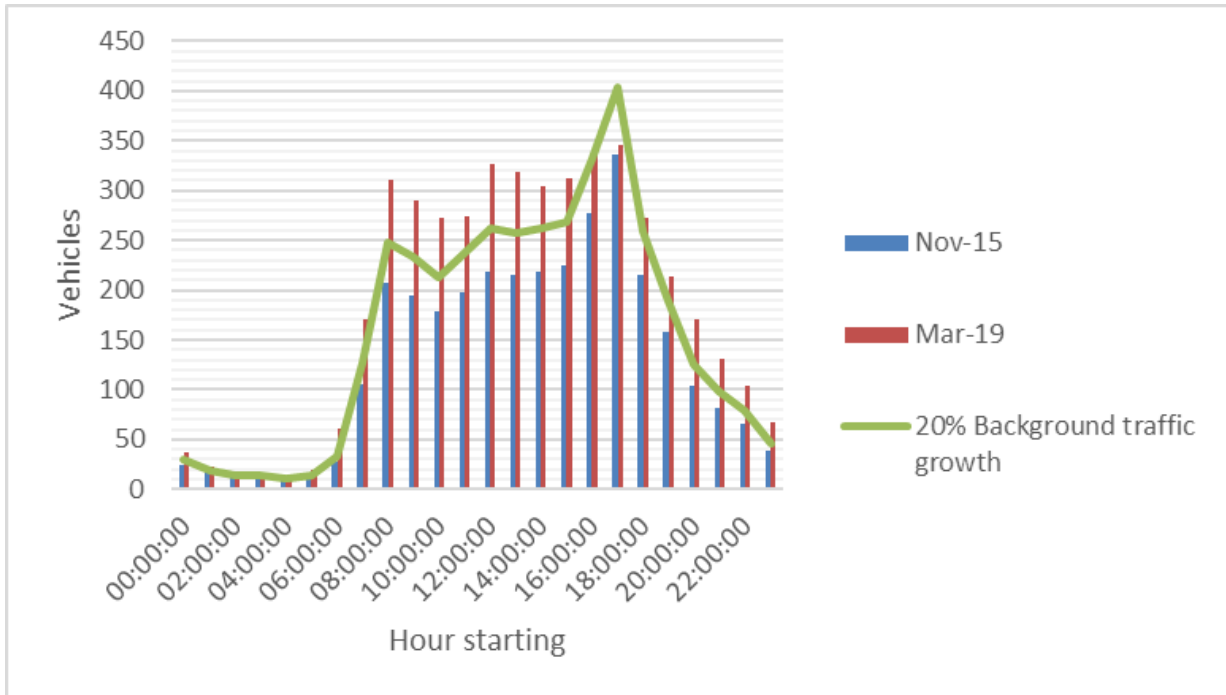
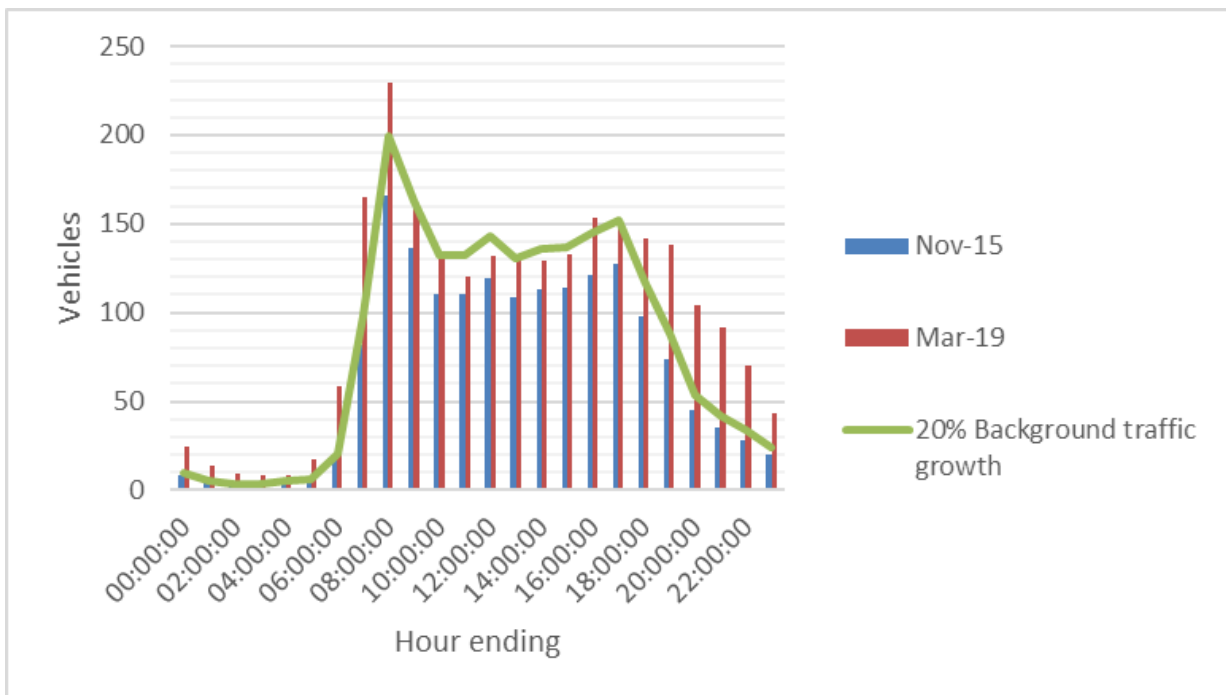


Figure 8 - Comparison of St James' Square Southbound traffic flows



- 3.3.12. As with the increased traffic flow on St George's Street, the increased flow on St James' Square is caused by northbound traffic in the AM peak and southbound traffic in the PM peak rerouting because of the experimental TRO.

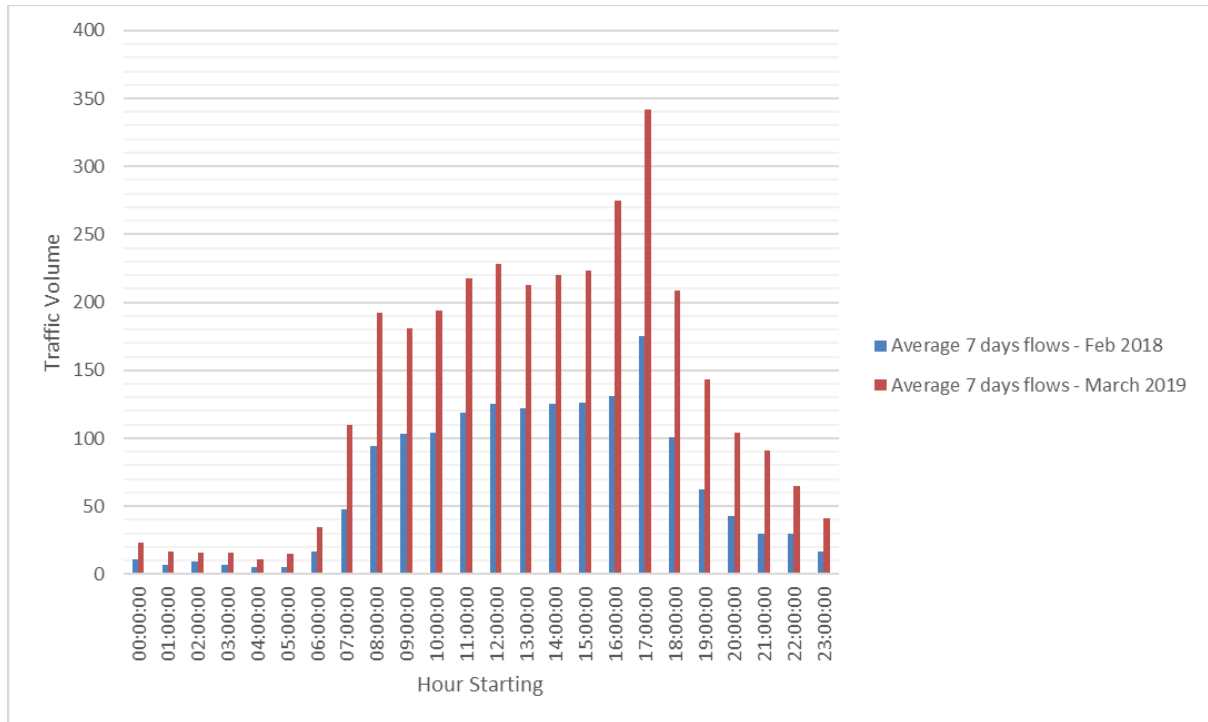
Winchcombe Street (South) - including traffic using Rodney Road

- 3.3.13. Table 6 and Figure 9 show traffic flows on Winchcombe Street (South) in February 2018 (most recent comparable baseline traffic data available) and March 2019. Average 7 day traffic flows have increased since the introduction of the ETRO. Winchcombe Street (South) and Rodney Road run parallel to Clarence Street and hence traffic volumes have increased on this alternative northbound route due to the rerouting of traffic.
- 3.3.14. GCC is exploring options to mitigate the impact of increased traffic on Rodney Road where it interacts with pedestrian movements on the High Street.

Table 5– Comparison of traffic flows on Winchcombe Street (South) between pre-Phase 4 (February 2018) and Phase 4 (March 2019)

Hour Starting	Average 7 days flows - Feb 2018	Average 7 days flows - March 2019	Difference
00:00:00	11	23	12
01:00:00	7	17	10
02:00:00	9	16	7
03:00:00	7	16	9
04:00:00	5	11	6
05:00:00	5	15	10
06:00:00	17	35	18
07:00:00	48	110	62
08:00:00	94	192	98
09:00:00	103	181	78
10:00:00	104	194	90
11:00:00	119	218	99
12:00:00	125	228	103
13:00:00	122	213	91
14:00:00	125	220	95
15:00:00	126	223	97
16:00:00	131	275	144
17:00:00	175	342	167
18:00:00	101	209	108
19:00:00	62	143	81
20:00:00	43	104	61
21:00:00	30	91	61
22:00:00	30	65	35
23:00:00	17	41	24
TOTAL	1616	3182	1566

Figure 9 - Comparison of Winchcombe Street (South) traffic flows



3.4. March 2019 Bluetooth Journey Time Data Analysis

- 3.4.1. Whenever a traffic route is affected by a short or long term closure there is always a period of adjustment required for drivers. This generally manifests itself in a period of initial localised congestion which is quickly resolved through route or transport mode alteration.
- 3.4.2. The Department for Transport defines congestion as the average ‘excess’ or ‘lost’ travel time experienced by vehicle users on a road network. Excess travel time is the time spent over and above that which would be experienced under ‘uncongested’ or ‘free-flow’ conditions. These are best measured in terms of ‘travel rates’ rather than speeds.
- 3.4.3. To assess the effect of the trial closure across the wider network, a network of Bluetooth sensors has been placed on the main routes around the town centre to monitor journey times for vehicles across the network.
- 3.4.4. The Bluetooth route coverage across Cheltenham is shown in Figure 3.

- 3.4.5. The majority of the Bluetooth baseline data was collected in advance of the trial restriction in April 2018, with additional data from 2015 being used due to some collection issues in 2018.

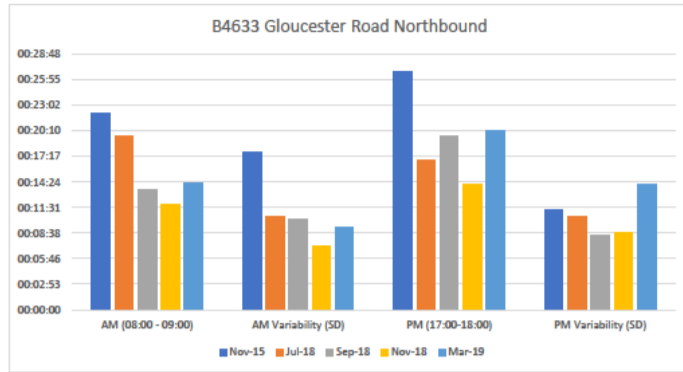
3.5. Journey Time Comparisons on Key Routes

- 3.5.1. Journey time data has been collected alongside the traffic volumes during July, September, November 2018 and March 2019.
- 3.5.2. Peak hour journey times have been analysed for the following key routes:
- A. B4633 Gloucester Road (A40 to A4019);
 - B. St. George's Road (Promenade to B4633);
 - C. Saints Corridor (St. George Road to St. Margret's Road);
 - D. College Rd (Sandford Road to High Street);
 - E. A4019 (Eastbound Gloucester Road to A435 High Street);
 - F. A4019 (Westbound A435 High Street to Gloucester Road); and
 - G. A46 (High Street – Bath Road – Imperial Square)
- 3.5.3. Figure 10 below provides a summary of the mean peak hour average journey time for each of the key routes from each survey period (April 2015 – March 2019)
- 3.5.4. Figure 10 also presents the mean Standard Deviation (SD) for each time period. i.e. how variable the dataset is. A large SD shows that there is a significant amount of variability in the journey times along a route.

Figure 10 – Summary of Mean Peak Hour Journey Times on Key Routes in Cheltenham recorded from Bluetooth data

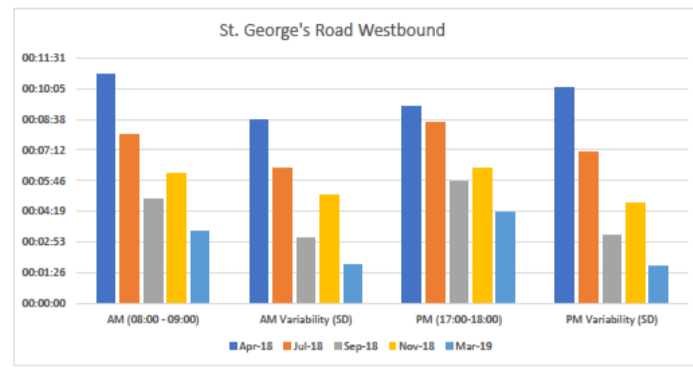
A - B4633 Gloucester Road Average Journey Times (A40 to A4019)

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	PM Variability (SD)
Nov-15	00:22:05		00:17:44	00:26:47
Jul-18	00:19:32		00:10:30	00:16:52
Sep-18	00:13:28		00:10:09	00:19:36
Nov-18	00:11:54		00:07:15	00:14:08
Mar-19	00:14:20		00:09:23	00:20:16



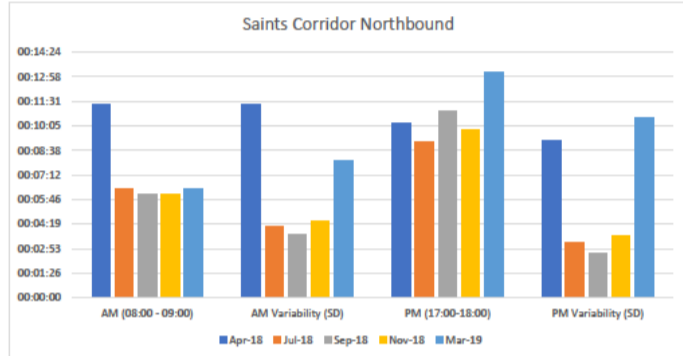
B - St. George's Road (Royal Well to B4633 Gloucester Road)

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	PM Variability (SD)
Apr-18	00:10:43		00:08:37	00:09:16
Jul-18	00:07:55		00:06:20	00:08:27
Sep-18	00:04:55		00:03:06	00:05:44
Nov-18	00:06:07		00:05:05	00:06:23
Mar-19	00:03:23		00:01:50	00:04:18



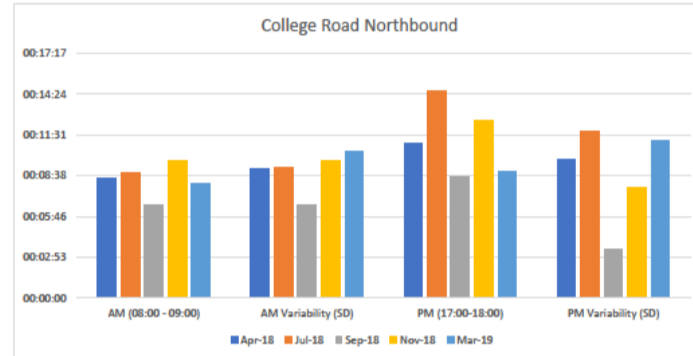
C - Saints Corridor (St. George Road to St. Margret's Road)

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	PM Variability (SD)
Apr-18	00:11:21		00:11:23	00:10:13
Jul-18	00:06:24		00:04:10	00:09:10
Sep-18	00:06:04		00:03:43	00:10:55
Nov-18	00:06:06		00:04:30	00:09:51
Mar-19	00:06:24		00:08:04	00:13:14



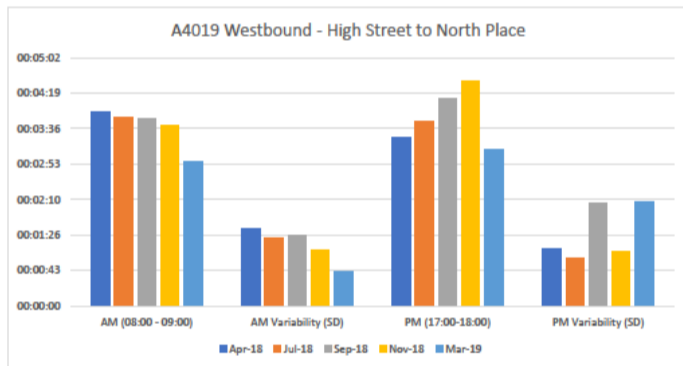
D - College Rd

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	PM Variability (SD)
Apr-18	00:08:29		00:09:07	00:10:55
Jul-18	00:08:52		00:09:12	00:14:40
Sep-18	00:06:36		00:06:33	00:08:31
Nov-18	00:09:43		00:09:40	00:12:33
Mar-19	00:08:06		00:10:23	00:08:59



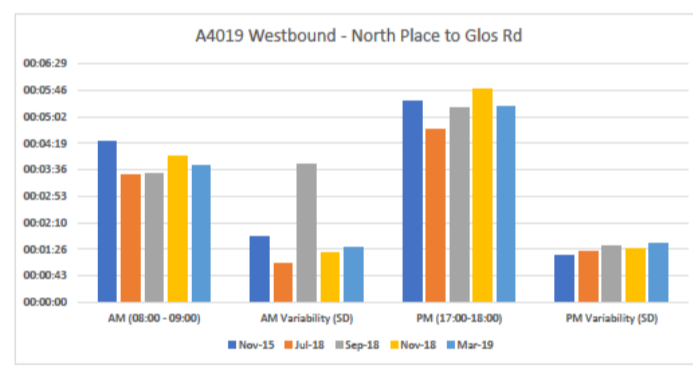
E - A4019 CORRIDOR Westbound High Street to North Place

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	PM Variability (SD)
Apr-18	00:03:57		00:01:34	00:03:25
Jul-18	00:03:49		00:01:23	00:03:45
Sep-18	00:03:48		00:01:27	00:04:13
Nov-18	00:03:40		00:01:08	00:04:34
Mar-19	00:02:56		00:00:41	00:03:11



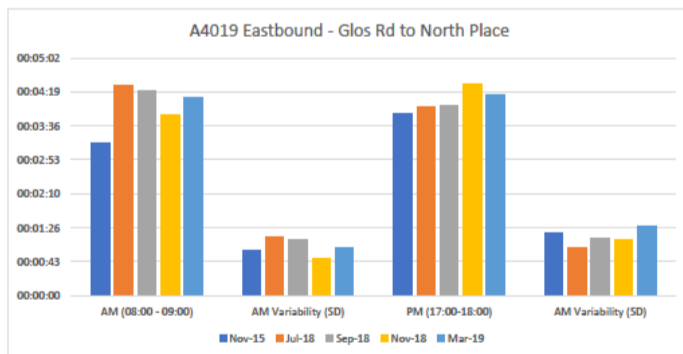
E - A4019 CORRIDOR Westbound North Place to Glos Road

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	PM Variability (SD)
Nov-15	00:04:21		00:01:48	00:05:29
Jul-18	00:03:27		00:01:02	00:04:42
Sep-18	00:03:29		00:03:45	00:05:16
Nov-18	00:03:59		00:01:20	00:05:47
Mar-19	00:03:44		00:01:28	00:05:20



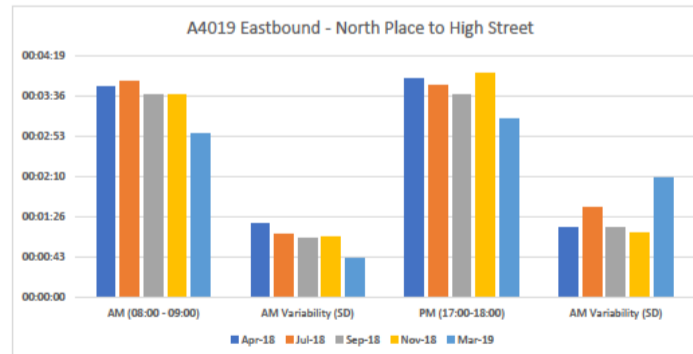
F - A4019 CORRIDOR Eastbound Glos Road to North Place

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	AM Variability (SD)
Nov-15	00:03:14		00:00:58	00:01:20
Jul-18	00:04:27		00:01:14	00:04:01
Sep-18	00:04:21		00:01:12	00:04:01
Nov-18	00:03:50		00:00:48	00:04:29
Mar-19	00:04:12		00:01:01	00:04:16



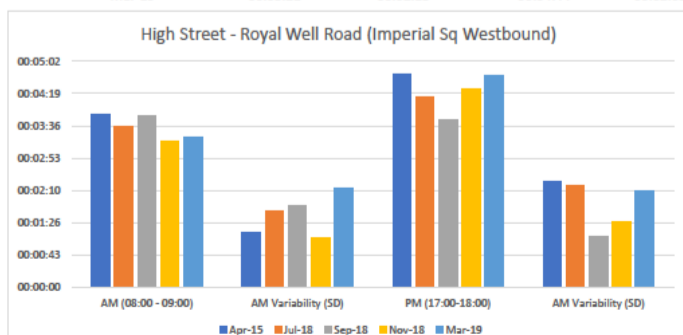
F - A4019 CORRIDOR Eastbound North Place to High Street

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	AM Variability (SD)
Apr-18	00:03:46		00:01:19	00:03:55
Jul-18	00:03:52		00:01:07	00:03:47
Sep-18	00:03:37		00:01:03	00:03:36
Nov-18	00:03:36		00:01:05	00:04:00
Mar-19	00:02:56		00:00:41	00:03:11



G - High Street - RWR (Imperial Sq)

	AM (08:00 - 09:00)	AM Variability (SD)	PM (17:00-18:00)	AM Variability (SD)
Apr-15	00:03:52		00:01:14	00:04:45
Jul-18	00:03:34		00:01:42	00:04:15
Sep-18	00:03:50		00:01:49	00:03:45
Nov-18	00:03:16		00:01:06	00:04:24
Mar-19	00:03:21		00:02:13	00:04:44



-
- 3.5.5. It can be seen from the series of charts in Figure 10 that none of the routes included in the assessment of journey times has experienced significant journey time increases since the commencement of the trial in June 2018 when compared against baseline journey times. Journey times have increased on the following routes, but by no more than one minute:
- Route C - Saints Corridor northbound in the PM peak period.
 - Route F - A4019 eastbound between Gloucester Road and North Place in the AM and PM peak periods.
- 3.5.6. Northbound journey times along Route C, the Saints Corridor are likely to have increased due to the Saints Corridor being an existing northbound corridor.
- 3.5.7. Possible reasons for why journey times have not been adversely impacted by the ETRO may be:
- Traffic is dispersing between various routes and therefore not having any significant impact on any one route.
 - Total traffic volumes in Cheltenham have decreased by approximately 20% since 2008.
- 3.5.8. The Bluetooth data also shows that the variation in journey times, shown by the Standard Deviation, is also broadly static on most routes when compared to the baseline data.

CTP Air Quality Data

General /Intro

CBC has an obligation to monitor air pollution levels around the borough. Allied to this, there is a requirement to submit an annual status report (ASR) to DEFRA that details monitored levels and actions taken to reduce pollution levels. The report on 2018 activity was submitted in early August 2019 and feedback has been received from DEFRA approving the report and offering limited comments. These reports are available on the CBC website.

https://www.cheltenham.gov.uk/downloads/download/693/air_quality_reports

The Public Protection department is now working towards revising the current air quality management area from covering the whole of the borough to the 'worst affected area', which is a corridor of the A4019 Swindon Rd / Poole Way / High Street. This project is likely to take around 12 months.

This report presents the results of monitoring of pollution levels around the town, in relation to CTP Ph.4. Some of this data requires interpretation, but as far as possible, I have avoided speculation beyond the empirical data available.

Current Monitoring Strategy

Monitoring and reporting is usually carried out over a calendar year. Data from monitoring sites covers a familiar annual pattern, with the highest levels arising in January / February, then dropping during the summer months, reaching their lowest point in August when traffic levels are at their lowest. Levels then rise steadily through the autumn to the late winter peak. Short term levels can also be considerably affected by weather conditions – cold, foggy mid-winter mornings increase car use and stop pollution dispersing effectively and in summer months fine, warm weather brings winds from the continent that may carry industrial pollution or fine particulates from as far away as the Sahara. This variability in short term levels means that to acquire valid data on changes or trends in pollution levels, monitoring has to take place over a period of at least a year. Even when monitoring over that period there will be "Good" years and "Bad" years. When data is available for the years 2019 and beyond, it may be that 2018 saw unusually low pollution levels, due to prolonged warm weather in the summer.

In Cheltenham, an assessment of sources of air pollution and previous monitoring has identified nitrous oxides (NOx) as the "pollutant of concern". This led to a monitoring approach taken by CBC and approved by DEFRA, that concentrates on measuring levels of NOx using diffusion tubes, currently sited at 27 sites around the town. The location of monitoring points has varied over the 26 years that this monitoring has been carried out, and in July 2018, 7 new sites were installed to try and assess the impact of CTP Phase 4 on the air quality of the local area. Three of these locations had previously been in use, but were discontinued at the end of 2016. Monitoring is carried out using passive diffusion tubes which are relatively cheap and reliable. Results from the tubes are subject to a bias adjustment to improve accuracy. The annual bias adjustment factor is calculated comparing data from 3 tubes with a continuous monitor, positioned at the corner of St George's Street and Swindon Road. The typical bias adjustment is within +/- 5%. The full data set is available through the Council's website. It should be noted that for the purposes of this report a bias adjustment factor for the 12 months from July 2018 – June 2019 was calculated to ensure the accuracy of 2019 data. This methodology is not to the appropriate DEFRA standard, as it does not reflect a calendar year of figures, but uses an identical methodology to the standard.

Since January 2018 CBC has been using a limited number of "low cost" monitoring systems called Mesh Pods. These are installed on lamp posts at (currently) 9 locations around the town. Some of these were located in order to further examine the effect of the CTP phase 4. There have been

issues with reliability in some of these units, in particular with monitoring of NO₂ levels, and one unit was stolen, however the monitoring of particulates has been reliable and some discussion is contained below.

In considering the levels of pollution detected by these monitoring techniques, we need to be mindful of the legal limits on pollution levels. The limits for pollutants likely to be under scrutiny in Cheltenham are as follows:

Pollutant	Annual Average	Short-term limit
NO ₂	40ug/m ³	200ug/m ³ , measured over 1 hour, not to be exceeded more than 18x per year
PM ₁₀	40ug/m ³	50ug/m ³ , measured over 24 hours, not to be exceeded more than 35x per year

If levels consistently arise that are in excess of these levels, the Council will be required to declare an AQMA in the affected area. Short term NO₂ levels are monitored by the continuous monitor station at Swindon Rd / St Georges Street, and no exceedances of this level have ever been detected. Research has shown that short-term breaches are usually linked to an annual average over 60ug/m³, but this figure is not exceeded at any monitored location in Cheltenham.

Results from diffusion NO_x tubes

The results pertinent to a consideration of the impact of CTP phase 4 are mostly presented in Table * attached. This table shows the annual level of NO₂ at each diffusion tube monitoring site for the years 2014, 2015, 2016, 2017, 2018. It also shows the calculated level for the 12 month period July 2017 – June 2018 (i.e. the 12 months before CTP Ph.4) and 12 months July 2018 – June 2019 (i.e. the first 12 months post-implementation). The data have been adjusted using the bias adjustment factors reported to Defra in the relevant ASR. The July 2018 – June 2019 data has been adjusted using a calculated figure, as described above. As can be seen, bias adjustments are generally tiny, but should always be included to demonstrate the accuracy and validity of data.

In the table, annual results over 40ug/m³ are highlighted in pink. Results within 10% of the 40ug/m³ limit are highlighted in yellow. These “near miss” sites are required to be considered further in the ASR reports submitted to DEFRA, in some cases in Cheltenham levels are rising and in some they are falling.

In very general terms, there has been a slow, steady decline in NO₂ levels over the last 10 years, as can be seen by the figures in the row “Ave of long term sites”, which calculates the average annual level recorded at 16 sites that have operated continuously between 2014 and now. This analysis has found a 7.5% drop in average levels across that period. This is largely attributed to improvements in the emissions from HGVs and buses, along with modal shift away from domestic vehicle use.

The table includes results for new, or re-activated monitoring points at St James Square, St Gregory’s Church, St Georges Street, St Paul’s Road, St Luke’s (College Rd), and Princess Elizabeth Way (North and South). These monitoring points were either established or re-started as they were on routes likely to be used by traffic diverting from Boots’ corner, either in the immediate vicinity of the restriction, or in the wider town. Measured levels at “new” sites in operation since August 2018 are all in compliance with the 40ug/m³ limit with the exception of the site at Princess Elizabeth Way (North), where the initial 12 months of results suggest a slight exceedance. This site has already been identified as needing further investigation and is subject to more detailed modelling in a

detailed assessment being carried out for the purposes of the AQMA review. Comparison of longer term data, between 2014 and 2018/19 has shown a slight increase in pollution in St George’s Street and St Paul’s Road, and a decrease in College Rd.

The table allows a comparison of pollution levels at town-wide sites before and after the CTP Ph.4 was implemented. There is no consistent, simple, town-wide trend in this data. Some sites have seen marginal increases, some marginal decreases. The only consistency is in the very small changes identified at the majority of sites.

Sites with decreasing levels:

The sites seeing the largest decreases are in general close to the trial restriction where traffic has considerably reduced (rear of Muni Offices, & Portland Street). The level at Clarence Parade is likely to have dropped considerably, but cannot be reported, as the monitoring tube has been removed every month since August 2018, despite our officers making it hard to remove. This consistent removal is unlikely to happen by accident, or due to natural causes (magpies etc.)

Sites with increasing levels:

The sites showing increases include 2 Gloucester Road, the co-location site in St Georges Street and Winchcombe Street. Of these, the level at 2 Gloucester Road is consistent with levels since 2015, and 2014 would appear to be an unusually low level. The co-located tubes have shown an increase of around 2%, however they still fall well below the 40ug/m3 limit. This increase is perhaps not surprising as they are sited at a junction that has seen considerable increases in traffic flow, however signal timings to the junction were changed in December (?) 2018, which has eased traffic somewhat since then, so the longer term change is likely to be less than that measured thus far. The site at Winchcombe Street has shown the largest increase between 2017-18 and 2018-19. This result seems a little odd, as the monitoring point is located at a junction of an East-West 2-way road and a southbound (only) road, which may have been expected to change the least due to a northbound road closure. Levels at this site warrant further investigation, and it has been earmarked for the re-deployment of monitoring equipment, expected by the end of 2019.

Bucking the trend?

Further analysis of short and longer-term changes in average levels has shown an increase in pollution level across sites 1-20 of 1% between 2017/18 and 2018/19 against a decrease of 4.8% between 2014 and 2018/19. This could be summarised as “bucking the trend” of a steadily decreasing pollution level, however, I would caution against reaching this conclusion from a dataset based on a relatively short period, immediately after significant changes to the road network and using a limited number of monitoring points.

Mesh pod data

Mesh pods have been installed and produced results in accordance with this table:

Location	Installation Date	NO2 ave June 18 – July19	PM10 ave June 18 – July 19
Gloucester Road School	January 2018	39.9	5.2
A40 GCHQ	April 2018	34.6	11.5
422 High Street	January 2018	NA	9.0
St Gregorys Church	September 2018	21.4	15.1
Boots Corner	December 2018	28.0	14.5
Clarence Square	December 2018	32.9	10.6
Pittville Circus Road	December 2018	26.4	17.1
College Road	December 2018	NA	20.6
Montpellier Terrace	December 2018	NA (stolen)	NA

Some of these stations have suffered reliability issues, possibly due to problems with their installation position (they run on solar panels). The pod at Montpellier Terrace was stolen in June 2019 and may have previously been damaged by vandalism or attempted theft.

Of the reliable data obtained, the site outside Gloucester Road School has been most reliable. This site was selected as the school is one of few in the town sited on a busy, congested main road. The unit has reported an NO₂ level for 2018 of 35.5ug/m³, within legal limits. The running average for 12 months to end June 2019 is 39.9ug/m³. Provisional results from the detailed assessment mentioned above suggest that the school will lie just outside a revised AQMA, which would appear to be confirmed by this result.

The 5 pods installed in December 2018 were specifically located to try and assess the impact of CTP Ph.4. As can be seen above, the levels of NO₂ and PM₁₀ at these sites all lie well within national limits. There is no data available from before the implementation of CTP Ph.4 to draw conclusions on trends, or changes caused by traffic changes.

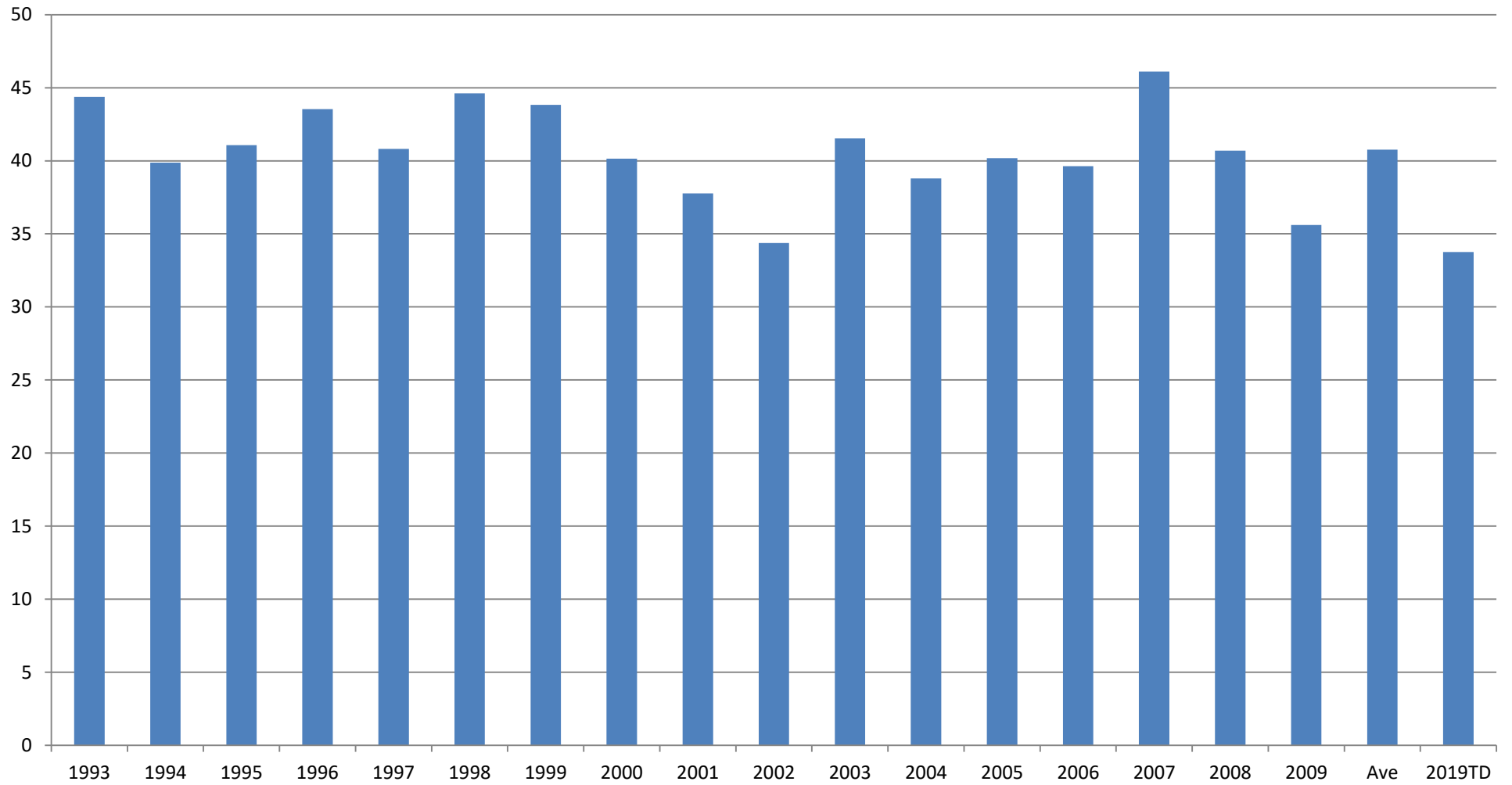
Boots Corner Archived data

Monitoring of pollution levels at Boots corner was carried out from 1993 until 2009. The site was discontinued as there is scant residential property in the immediate vicinity, and guidance on monitoring describes relevant exposure as being homes, rather than shops or leisure areas. The data from 1993 to 2009 is presented as graph 1. This demonstrates the fluctuation in annual levels typical of many sites, and a 1993-2009 average level of 40.8 ug/m³. The level to date for 2019 (from the mesh pod operating at the site) is 33.8ug/m³ (12 month running average 33.5 ug/m³). This is a clear improvement in the level at this town centre location.

Conclusions:

The conclusion from the data considered above is that the CTP Ph.4 has made very little difference, either positive or negative to air pollution levels across the town. This is probably not surprising, as the scheme was not explicitly designed as a project to improve air quality. In some areas, closest to the trial restrictions, there have been incidental improvements in air quality. In likely diversion routes around the town centre, there may have been some small increase in pollution, but all monitored sites are still well within legal limits. In areas more distant from the town centre one area has been identified from monitoring as need ing further investigation (Princess Elizabeth Way North), but there is insufficient data to attribute this to changes to the town centre traffic circulation.

NOx Level at Boots Corner



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Nitrogen Dioxide		BA=0.97	BA= 1.06	BA= 1.01	BA= 1.03	1.03 / 0.97 as reported	BA=0.97	BA=0.99*	* calculated				
		2014	2015	2016	2017	Jul 17- Jun18	2018	Jul18- Jun19	Change between 17-18 and 18-19	Change as % of 17-18 level	Change between 2014 and 18-19	Change as % of 17-18 level	Comments
Site 1	Municipal Offices (Front)				26.4	24.4	22.9	24.1	-0.3	-1.4			Needs moved - inappropriate location
Site 2	Municipal Offices (Back)				32.9	30.7	28.0	27.8	-3.0	-9.6			Needs moved - inappropriate location
Site 3	Ladies College	33.9	36.6	33.8	32.8	29.5	27.5	29.6	0.1	0.3	-4.3	-14.8	Possible move?
Site 4	2 Gloucester Road	41.7	46.5	43.2	45.4	41.5	41.2	44.0	2.4	5.9	2.3	5.4	
Site 5	422 High St	46.5	47.3	45.0	49.9	47.7	45.2	47.8	0.0	0.1	1.3	2.6	
Site 6	New Rutland Ct.	42.1	42.4	40.4	41.6	39.1	37.9	40.0	0.9	2.2	-2.1	-5.5	
Site 7	Co-location - 1	35.1	34.6	32.6	36.1	32.6	32.6	35.3	2.7	8.2	0.2	0.6	Aves +2.0 up 17-18 v. 18-19 & 2.8 up 2014 v. 18-19
Site 8	Co-location - 2	34.0	35.2	33.9	36.9	33.8	33.3	34.7	0.9	2.8	0.7	2.1	No surprise. See also sites 6,10 & 25. Well within 40 limit.
Site 9	Co-location - 3	34.1	34.0	32.5	36.2	33.4	32.8	36.0	2.5	7.5	1.9	5.6	Comment re: traffic light changes
Site 10	2 Swindon Road	38.8	37.9	37.9	39.4	36.7	35.6	37.0	0.3	0.8	-1.8	-4.9	
Site 11	Portland Street	35.2	36.8	35.3	35.9	34.7	32.6	33.0	-1.7	-4.8	-2.2	-6.2	
Site 12	Winchcombe/Fairview	39.3	33.0	31.9	32.8	30.6	31.8	35.4	4.9	15.9	-3.9	-12.6	Anomaly - warrants further investigation (Detailed assessment)
Site 13	Albion Street (outside no. 54)				34.8	32.7	31.3	31.4	-1.3	-3.9			
Site 14	2 London Road	40.1	40.0	37.6	37.1	37.3	37.4	37.2	-0.1	-0.3	-2.9	-7.7	
Site 15	YMCA shop - High St	35.2	34.5	32.6	31.9	31.9	29.1	29.5	-2.4	-7.5	-5.7	-17.7	That was AQMA1 - now much improved
Site 16	8a Bath Road	40.8	41.1	38.0	38.0	35.7	34.5	34.8	-0.8	-2.3	-6.0	-16.7	
Site 17	Clarence Parade (opp no. 6)				33.8	32.6	31.5	24.1					0.0 NOT RELIABLE DUE TO STOLEN TUBES
Site 18	81 London Road	41.8	41.4	39.6	38.4	37.1	37.3	38.2	1.2	3.2	-3.6	-9.6	Within 40ug/m3 limit
Site 19	264 Gloucester Road	34.0	36.7	32.2	34.5	32.2	30.6	32.5	0.3	0.9	-1.5	-4.6	
Site 20	340 Gloucester Road	36.3	38.7	35.9	38.6	36.9	35.3	37.0	0.1	0.2	0.7	1.8	
Site 21	14 Imperial Square						23.4	24.0	10.0	1.0	-26.9	-4.8	Sum or ave of changes - bucks the trend
Site 22	Hatherley Lane						34.9	34.0					
Site 23	St James Square						30.9	33.0					
Site 24	St Gregorys Church						27.9	27.4					
Site 25	St Georges Street	30.7	31.6	30.7			31.9	33.2			2.5		Slightly up, but below 40
Site 26	St Pauls Road	30.9	31.4	32.0			29.0	31.4			0.5		
Site 27	St Lukes College Road	27.7	29.6	28.3			24.8	26.8			-0.9		
Site 28	Princess Elizabeth Way North						38.4	41.4					Detailed assessment pending
Site 29	Princess Elizabeth Way South						31.2	34.1					
Ave of long term sites (3-20, exc 13 & 17)		38.1	38.5	36.4	37.4	35.3	34.3	35.4	0.1		-2.6	-7.5	NB: 16 sites from 2014-16, 2 added in 2017
Ave of 29 sites							32.4	33.6					
No. over 40		6.0	6.0	3.0	3.0	2.0	2.0	4.0					
No 36-40		3.0	5.0	4.0	8.0	5.0	4.0	5.0					

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Cheltenham Borough Council

Cabinet – 5 November 2019

West Cheltenham/Cyber Central Update Report

Accountable member	Councillor Andrew McKinlay, Cabinet Member Development and Safety
Accountable officer	Tim Atkins – Managing Director Place and Growth
Ward(s) affected	All (site is in Hester’s Way and Springbank)
Key/Significant Decision	Yes
Executive summary	<p>West Cheltenham is a strategic Joint Core Strategy (JCS) allocation that allows for the delivery of around 1,100 homes and approximately 45 hectares of employment land focussed upon a cyber technology uses. Cheltenham Borough Council (CBC), through the acquisition of a large quantum of development land have taken a major step in leading on the delivery of this ambitious, complex programme.</p> <p>This report sets out the historic context of the project, the early financial investment the Council has already committed to in delivering it and the emerging programme to ensure successful delivery. The aim is for Cheltenham to attract local and international talent to a vibrant new sustainable community and continue as the cyber capital of the UK.</p> <p>Significant due diligence was completed prior to the acquisition of 47 hectares (112 acres) of land at West Cheltenham. This considered a range of extenuating factors including financial and planning risk and identified detailed mitigation strategies to successfully navigate these risks. It was concluded that the investment supported the guiding principles of the corporate plan and place strategy in promoting and delivering economic growth of both the residential and commercial market sectors.</p> <p>The future programme set out in this report is complex and challenging. It will result in significant positive investment in the town and the wider regional economy. The Council is assembling a multidisciplinary highly skilled team of officers and external advisors to deliver the project. It is also working collaboratively with key partners to maximise the growth opportunity for the wider area. A joint programme board has been established between Tewkesbury Borough Council (TBC) and CBC, to promote and drive forward the overarching vision and growth potential. This is supported by Gloucestershire County Council and GFirst LEP. This report details the considerable costs associated with a project of this significance. As the project develops it is anticipated that these costs will be mitigated through partnership arrangements with a future delivery partner.</p> <p>From the outset the Council has successfully targeted external funding and support from central government and key partners. The project has been promoted by a number of members of government including the Secretary of State as well as local MPs.</p>
Recommendations	<p>Cabinet approves:</p> <ol style="list-style-type: none"> 1. Continued support to the ongoing Cyber Central work programme to include: <ul style="list-style-type: none"> • Delivery vehicle / route to market for development / investment partner(s) • Further land assembly

- Land Management
- Collaboration with landowners
- Collaboration with Tewkesbury Borough Council, other public sector stakeholders and government agencies
- Occupier requirements
- Progression of Garden Communities programme

2. To note spend to date on the Cyber Central Programme and the projected financial position until the end of 2020.

3. To delegate authority to the Managing Director Place and Growth, in consultation with the relevant Cabinet Member and the Executive Director of Finance and Assets, to approve and submit planning applications to the relevant planning authorities.

Financial implications	<p>This is as per the original Council report on 18 February 2019 and in line with the current budgets that have been previously approved.</p> <p>Contact officer: Andrew.knott@publicagroup.uk, 01242 264 121</p>
Legal implications	<p>The Council's Contract Rules and the Public Contracts Regulations 2015 will need to be followed when carrying out the procurements referred to in the report. The Regulations must also be considered when developing land and as stated in the body of the report, the authority will seek advice and assistance from specialist advisors and lawyers.</p> <p>Contact officer: One Legal; onelegal@tewkesbury.gov.uk 01684 272011</p>
HR implications (including learning and organisational development)	<p>The acquisition of this land will add to the Council's property investment portfolio, there will therefore be a requirement for the property team to manage and maintain the land alongside existing assets. The capacity of the property team will be kept under review to ensure the land management can be fully resourced.</p> <p>Contact officer: Clare Jones; clare.jones@cheltenham.gov.uk, 01242 264364</p>
Key risks	<p>There are a number of risks associated with a programme of this ambition. A risk register is set out at Appendix 1; this is subject to monthly monitoring and reporting to the programme board.</p>
Corporate and community plan Implications	<p>The Cyber vision is a key priority of the Corporate Plan, in particular the objectives of making Cheltenham the Cyber capital of the UK and increasing the supply of housing to build resilient communities.</p>
Environmental and climate change implications	<p>The opportunity exists for this programme to become an exemplar for environmental and sustainable development across both the commercial and residential sectors. Any merging developments will be governed by the Local Planning authority and must adhere to adopted and emerging policies encouraging sustainable development and promoting health, wellbeing and biodiversity. Full assessment on the impact of the Council's carbon emissions will be completed as Cyber Central develops as a project.</p>

Property/Asset Implications	<p>The Council has recently acquired land at West Cheltenham, this has been added to the Corporate Asset List; ongoing management arrangements in relation to this land are set out in the body of this report. It is noted that the future development strategy for the land at West Cheltenham is currently being considered as part of the project workstreams; this will form separate future reports to Cabinet as this work develops.</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk, 01242 264 151</p>
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1. Background

- 1.1 West Cheltenham is a strategic Joint Core Strategy (JCS) allocation that allows for the delivery of around 1,100 homes and approximately 45 hectares of employment land focussed upon a cyber technology uses. In addition adjacent safeguarded land can provide for an additional 1,375 dwellings. The cyber industry provides one of the most important growth areas in the UK and global economy and in 2015 the Chancellor unveiled Cheltenham to be the new home for the government's Cyber Innovation Centre (CIC).
- 1.2 Cheltenham's Place and Housing Investment Strategies set an ambitious context for the town's economic growth. The proposed West Cheltenham urban extension has been a priority project for the Council recognising the potential positive economic and community outcomes that could be achieved. West Cheltenham has a strong strategic location, adjacent to GCHQ home to the National Cyber Security Centre and proposed Cyber Innovation Centre (CIC); it is close to a motorway, airport and mainline railway station providing excellent connectivity. The development of West Cheltenham will be led by the cutting edge cyber tech and innovative industry offering a strong commercial anchor, which has the potential to drive forward the region's growth agenda. The opportunity for Cheltenham, Gloucestershire and the region is significant.
- 1.3 Comprehensive delivery could create more than 7,500 high quality jobs for Cheltenham and the county along with thousands of homes as part of a high quality integrated development. These jobs and the associated academic institutions will attract local and international talent to a vibrant new sustainable community that will create benefits and opportunities for existing adjacent communities. In addition, provision of housing will assist in addressing issues with Cheltenham's 5-year supply and support the delivery of Cheltenham West Regeneration Project that seeks to refurbish or rebuild a large proportion of the social housing stock in the area.

2.0 West Cheltenham - Progress to date

- 2.1 Cheltenham's Place Strategy sets an ambitious vision for economic growth and housing delivery. In September 2018 the Council unanimously approved a Housing Investment Strategy advocating the need for a step change for its approach to housing. It approved a budget of £100M for the authority to take a direct role in housing delivery to support the wider growth and community objectives.
- 2.2 As a response to these key strategic drivers, the West Cheltenham urban extension and delivery of Cyber Central is a corporate plan priority project for the Council and considerable resource has been invested in maximising the economic opportunities that could arise through its development and delivery. In July 2018 the Council approved funds towards the creation of a multi-disciplinary team to consider how to maximise the economic and social benefit for Cheltenham and the wider region by realising the growth of the cyber industry and develop plans for growth across the residential and commercial property sectors.
- 2.3 Subsequently in September 2018 the Council produced the Cyber Central Vision, illustrating the extent to which the location could be a positive catalyst for change in the region through the promotion of a new community that combines world class cyber business and academic facilities, exemplar housing and state of the art amenity and leisure facilities in a highly accessible and environmentally sustainable location. The schematic formed part of the background documents to the JCS review process; it also formed the basis of the future garden communities bid to Homes England.
- 2.4 The emerging ambitions for the Cyber project were highlighted as:

- Build on the strength of the established cyber expertise in the Cheltenham area
 - It will be highly connected; physically, digitally and socially
 - Centrally located, to the west of Cheltenham in the UK Cyber Arc
 - Enabling barrier-free knowledge sharing & collaboration between industry, academia, government and the local community
 - To create a vibrant and diverse 24/7 campus style environment
 - Built with the natural environment and sustainability at its heart
 - It will play a key role in making the region, & the UK, “the safest place to live and work online”
- 2.6 In November 2018 the authority commenced negotiations regarding the purchase of a significant landholding within the allocated land at West Cheltenham. In February 2019 Council approved a budget allocation of £44,000,000 for land acquisition, subject to the necessary due diligence and risk appraisal. This sum included provisions towards land costs including fees/charges etc., project management and professional fees to support the delivery and development of the project. It also included provision for potential enabling works and future infrastructure costs.
- 2.7 Following a recommendation to Cabinet on 14 May 2019, it was approved that the Council could proceed with the acquisition for development of up to 47 hectares (112 acres) of land allocated for employment and residential uses at West Cheltenham for £37,500,000. The land comprised a series of medium scale arable and pastoral fields and was acquired from two local landowners (both farmers) and the strategic land promotion company, who controlled the land by way of promotion agreement.
- 2.8 The Council exchanged contracts on the purchase of this land in June 2019 with the acquisition completing on 22nd August 2019. The final purchase was unconditional and comprised the freehold interest in the land with vacant possession. In addition to the land, the contract allowed for the purchase of a considerable amount of technical work made available through the novation of a number of technical contracts from the vendor to the Council.

Central Government Support

- 2.9 There has been considerable market and government interest in bringing forward development at West Cheltenham.
- 2.10 The Council and Local Economic Partnership (LEP) has been successful in a funding bid for £22m Growth Deal 3 monies for transport infrastructure to enable the delivery of the future cyber park; this is currently being delivered by Gloucestershire County Council (GCC) as accountable body and highways authority. This should significantly reduce the access / highway infrastructure risks for the commercial phase of the delivery.
- 2.11 In July 2019 West Cheltenham was selected by Homes England as a new Garden Community following a joint submission by CBC and TBC; Garden Communities is the collective name for new garden villages, towns and cities, chosen by the Government as demonstrating successful approaches to large scale housing led development. Garden Communities are rooted in ‘Garden City’ principles and exemplify high quality design and place making together with innovative approaches to delivery and stewardship.
- 2.12 A Highways Infrastructure Fund (HIF) bid for highway improvements to junction 10 on M5 was submitted in March 2019 by GCC. The outcome of this submission will dictate future network capacity and the delivery of residential development at both West and Northwest Cheltenham, it is currently anticipated that a decision on funding will be announced in late 2019.
- 2.13 The Council continues to work closely with GCHQ, Cynam (a non-profit networking cyber organisation) and other local tech companies in relation to their requirements and developing the wider cyber tech ecosystem in the town. It is also supporting the emerging commercial proposals for the site and more particularly the formulating of the value proposition for Cheltenham as a ‘centre of excellence for the cyber tech and innovative industries’ along with the operating model for the first cluster of development known as ‘Cluster One’ which will include the Cyber Innovation Centre (CIC). Cyber Central forms part of our efforts to secure the longer term interests of GCHQ in the town and growth of the innovative, creative and cyber tech industries, which are hugely important to the economic future of Cheltenham. The Council will work closely with these stakeholders to facilitate their long term business plan and investment in the local and wider region, by providing flexible accommodation in both the short and long term.

3.0 Cyber Central Vision and Project Objectives

3.1 In achieving the objectives of the initial Cyber Central vision, more detailed project objectives have emerged through economic analysis. These are set out as follows and are illustrated in the diagram below:

- The opportunity to control and lead development across the strategic employment and residential allocation site;
- To strive for a high quality exemplar scheme including environmental sustainability
- Major delivery of Cheltenham's housing investment strategy with the potential for c.500 homes
- Will allow the safeguarding of land for the expansion of cyber tech innovative industries and delivery of the Cyber Innovation Centre
- Allow Cheltenham to develop as the Cyber capital of the UK
- Enable the development and growth of cyber focused academia at sub-regional level
- In encouraging employment growth, develop a culture for innovation and interaction
- Working with our ALMO, Cheltenham Borough Homes, to implement the approved £100m housing investment plan and delivery of much need housing in this location
- Increase revenue to the Council through new business rates;
- The promotion of the cyber industry in this location is anticipated to provide up to 10,000 direct and indirect jobs;
- Enhances the Council's land assembly position for the wider site to seek a better integrated development;



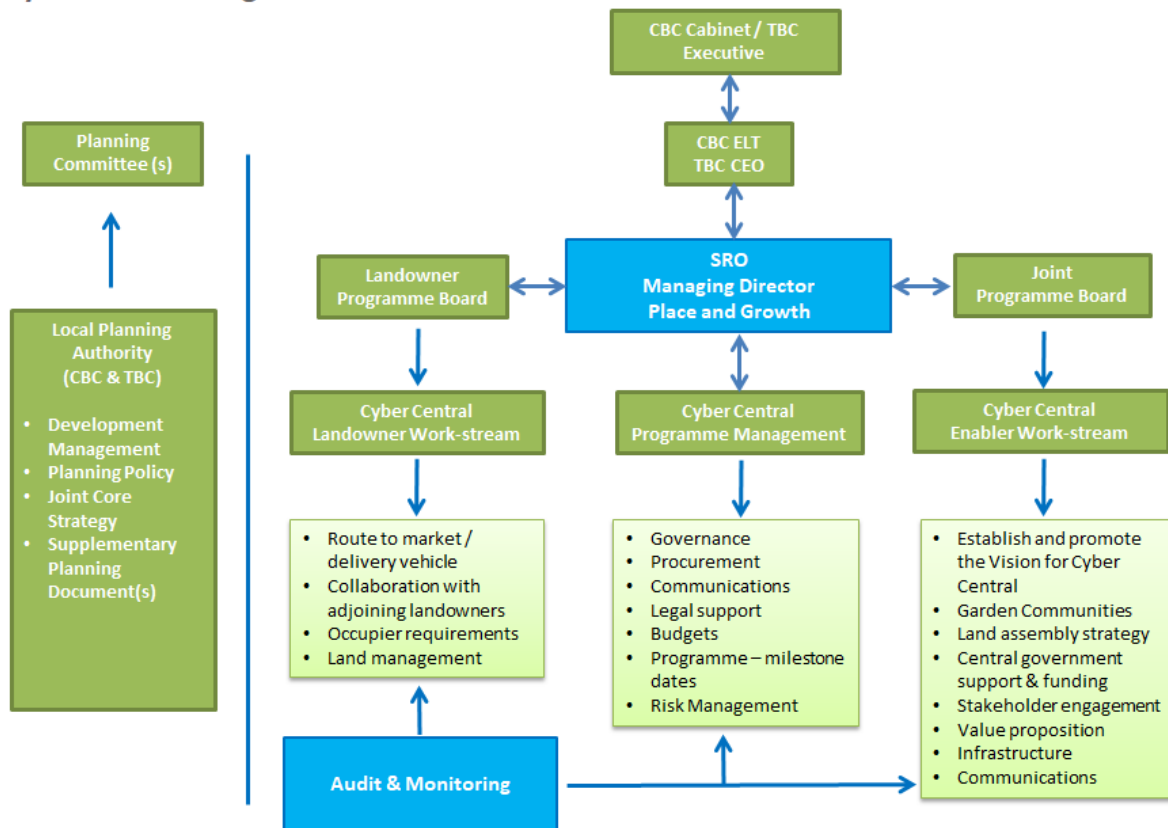
3.2 The development of this site is a 'once in a generation' opportunity for the growth of high quality jobs and homes, putting Cheltenham at the heart of one of the world's fastest growing and important innovative tech industries.

4.0 Cyber Central Project Programme

4.1 The Cyber Central programme is being delivered by a core team comprising four full time staff members and one part time. There are a large number of workstreams which have been split between the council's separate functions in relation to this project as 1) landowner, 2) promoter and enabler of growth, prosperity and place. The landowner workstreams are managed and delivered wholly on behalf of Cheltenham Borough Council (as GCC and TBC do not have land interests in this project). The promotional and enabling workstreams (including the Garden Community vision) involve direct collaborative working with Tewkesbury Borough Council (TBC) as well as support from GCC, Gfirst LEP. Close working relationships have also been developed with a range of other central government agencies, businesses and academic institutions.

4.2 Set out below are the key workstreams and reporting lines. This diagram is also referenced in the governance section later in the report.

Cyber Central Programme Structure



Delivery Vehicle / Route to Market

- 4.3 In delivering the Council’s objectives, an early exercise is to identify and review a range of delivery options for the commercial and residential allocations at West Cheltenham. This will culminate in a clear recommendation for the preferred route to market. To inform these options it is important to understand the cost, value and viability drivers of the emerging planning framework and the emerging infrastructure elements and to undertake a qualitative and quantitative analysis of the Council’s key objectives.
- 4.4 This early due diligence, alongside a detailed working knowledge of the property market and occupier activity, an understanding of developer requirements and a clearly defined proposition will allow a review of developer procurement options. This will form part of Cabinet paper scheduled for the December meeting, that will recommend a way forward, providing the Council with the optimum level of control and returns (financial, environmental and economic) for an acceptable level of risk transfer and participation. It will include a project risk register and action plan that will be underpinned by a clear vision and objectives.
- 4.5 Market dynamics at the time of the procurement will determine the immediate appetite and potentially type of partner to come forward. At this stage it is hoped that formal procurement will be launched in early 2020; assuming there are no significant external influences to the programme, a preferred development partner should be identified by late summer/autumn 2020.
- 4.6 The property consultants Avison Young and lawyers Trowers and Hamlins LLP have been appointed by the authority to support this workstream.

Collaboration with adjacent landowners

- 4.7 Prior to acquiring land at West Cheltenham, the site was subject to promotion through the planning process

by the West Cheltenham consortium. The West Cheltenham consortium presented their initial vision for the site in a public exhibition in summer 2017. This consultation set out the emerging plans following detailed work undertaken by a technical consultancy team to understand the sites characteristics and potential development constraints including ecology, landscape, drainage, heritage, transportation, accessibility and odour. Following this consultation further plans were presented to the public in February 2018.

- 4.8 Through the acquisition of the land at West Cheltenham, the Council have acquired Intellectual Property (IP) rights to this historic technical work. We have the opportunity to partner with the principal land owners to develop an outline planning application. The Council have started partnership conversations with those parties.
- 4.9 Funding for this element of the work programme has previously been approved by Cabinet in February 2019, however authority is sought to submit planning applications and seek other necessary consents / enter into agreements to enable the site to be developed in the most effective manner with different partners as appropriate. This will potentially include; collaboration and development agreements, feasibility studies, technical reports outline, detailed or hybrid planning applications for different phases of the development, temporary consents and / or smaller applications as required to support the overall delivery of the Cyber Central vision.

Occupier Requirements

- 4.10 In order to engage effectively with end-users, we have been undertaking a number of engagement events with key stakeholders, with the objective of creating a business plan in respect of the operating model for Cluster One and the Innovation Centre. After hosting a visit of key stakeholders to Manchester Science Park, which included touring the Park and listening to presentations from their CEO and Head of Digital, as well as Deloitte's Cyber Team on LORCA, it became clear we needed to set up an Inception Group of local stakeholders to assist in formulating the value proposition for Cyber Central.
- 4.11 To date, we have undertaken two workshops, with attendees from GCHQ, University of Gloucestershire, University of Bristol, University of the West of England, Gloucestershire College, Cynam and GFirstLEP. The second session was facilitated by Deloitte. These sessions will inform the creation of the strategy, value proposition and operating model to ensure the eco-system of Cluster One and the Innovation Centre is distinctive and can challenge on a global level – we need to think big and be ambitious. Some elements that have already been identified are the:
- Attractive environment
 - Concentration of expertise and experience that already exists.
 - Existing community and eco-system already curated by Cynam
 - Proximity to GCHQ and the validation effect by association
- 4.12 The next steps are to establish a prospectus setting Cheltenham's value proposition supported by evidence of the strong market demand. In addition the Council is considering supporting the establishment of a Community Interest Company to benefit existing business communities and entrepreneurial enterprises in Cheltenham and ensuring they too benefit from future investment in Cyber Central.
- 4.13 The next workshop session is due to take place in November 2019, which will be led by Deloitte. The Council is currently interviewing for an industry expert, who will lead this work-stream going forward to deliver the business plan.

Further Land Assembly

- 4.14 To ensure the comprehensive, sustainable development of West Cheltenham, consideration needs to be given to wider land interests and ownership in and surrounding the JCS allocation, safeguarded land and its environs. Although discussions are taking place with landowners within the allocated land area, it is possible that some land may not come forward in a reasonable timeframe and has the potential to cause delays to the delivery of the wider ambitions set out in the Cyber Central Garden Communities vision. Therefore all options regarding land assembly are being explored.
- 4.15 The Authority also continues to liaise with third party landowners in and adjacent to the allocated and safeguarded land to ascertain their aspirations and future ambitions regarding their land.

Land Management Strategy

- 4.16 Through acquisition of the land, the Council has significantly increased its local landholding; the land will enter the asset register and be managed by the Council's property team moving forward. This brings challenges in terms of ongoing maintenance and the Council is actively managing the site to deliver continued security and maintenance.
- 4.18 There are limited viable options to gain significant income from the site over the short term; however the Council is currently exploring all opportunities.

Government Support and Liaison

- 4.19 The Authority will continue to work closely with Homes England to understand better and appreciate the key delivery risks, barriers & opportunities associated with the Garden Communities designation of Cyber Central. The Council is currently developing a Project Delivery Plan (PDP) to capture expectations for the delivery of a high quality and innovative new sustainable development which builds on the support of Homes England and subsidiary partner bodies.
- 4.20 This element of work will also identify any opportunities for aligning with other national government initiatives and local development and investment interventions as part of the 'single pipeline' to create a new pioneering community at West Cheltenham,

Supplementary Planning Document

- 4.21 West Cheltenham is allocated under Policy A7 within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted in December 2017. The allocation proposes approximately 1,100 dwellings and 45 hectares of B-class led employment land to be focused upon a cyber security hub and other high technology GVA generating development and ancillary employment uses. Tewkesbury Borough Council is directly affected by these proposals and is the planning authority for approximately half of the West Cheltenham site as allocated, with the safeguarded land being wholly within the boundary of Tewkesbury.
- 4.22 The Local Planning Authorities of Cheltenham Borough Council and Tewkesbury Borough Council have jointly commissioned consultants Avison Young to prepare a Supplementary Planning Document (SPD).
- 4.23 The SPD, once approved by Cheltenham and Tewkesbury councils will be a material consideration for all future planning applications in this area, supporting the delivery of the development allocations as set out in the JCS.
- 4.24 The SPD is currently being prepared and a number of community information gathering events have taken place to inform its development.

5.0 Communications

- 5.1 Given the significance of the emerging proposals of the Cyber Central programme it is important there is a clear narrative which sets out the schemes' benefits at an early stage to ensure it is well positioned for public consultation and taking to market to find an appropriate development partner. Through its work with its communication partner, Target, the Council have developed a consistent narrative focused on the benefits of the scheme.
- 5.2 To date there have been three external events hosted by the Council, all to publicise the purchase of the land at West Cheltenham and targeted at different audiences and groups. These events and the primary purpose are set out below:
- Press Launch – Friday 23rd August at Gloucester College
 - To publicise the land purchase by CBC
 - To signpost future events when more detail will be available
 - To outline the key activities commissioned to support the plans
 - Cheltenham Launch – Tuesday 17th Sept at Hub8
 - Communicate the vision for Cyber Central (what, where, why, who, how, when etc.)
 - Make evident the united partnership bringing forward the project (local authorities, LEP, GCHQ, education providers, businesses)

- Emphasise the opportunities for the whole community; the inclusive growth agenda
- Convey the scale of inward investment already committed and further anticipated c.£500m of investment into the area
- Illustrate Cheltenham's existing strength in Cyber tech, supporting the credibility of the vision
- LEP Annual Review – Thursday 19th Sept at the Growth Hub, Gloucester
 - To update the wider business community of the purchase of the land by CBC and the positive implications for the development of Cyber Central,
 - To support the LEPs vision for Cyber as the primary economic development thread for the Local Industrial Strategy
 - To create initial interest from the development and business community in the business opportunities that the Cyber park will bring.

5.3 Moving forward it is anticipated that the project team will continue to identify key dates in the project timeline to advise on appropriate publicity and control publicity accordingly. The Communication team will act as guardians of the website and manage all social media messaging and continue to identify and advise on key areas for PR and appropriate messaging e.g. presence at cyber-specific events, schools careers events, public forums.

6.0 Governance

6.1 Delivery of the Cyber Central vision will be a challenging and complex undertaking, requiring robust control mechanisms but also input from a wide range of public and private sector stakeholders and subject matter experts. Since 2016 there have been a number of bodies that have either directed or taken interest in the development of a cyber park and housing at West Cheltenham.

6.2 As set out earlier in this report in section 4, a Joint Programme Board has been established to provide a mandate, oversight and guidance to the Cyber Central project and to ensure the vision is consistent with each authority's wider strategies and policies. This group uses the Councils' wellbeing, economic development and growth roles to promote the development of the site and ensure that opportunities are maximised. It also acts as the focal point and co-ordination of the garden communities programme, the bid for J10, the GD3 programme and other related projects. This group meets monthly and is chaired by the Managing Director, Place and Growth who is the Senior Responsible Officer acting for both authorities and manages the workstreams as set out in this report.

6.3 A separate landowner board has been established to deal specifically with decisions and business relating to Cheltenham Borough Council's land interests. Updates from this board and the associated workstreams will be made to the Programme Board (as appropriate).

6.4 The Council must ensure that arrangements are in place to demonstrate clear separation of its role as Local Planning Authority from that as land owner / developer. A more detailed paper setting out governance arrangements will be presented to a future Cabinet meeting.

7.0 How this initiative contributes to the corporate plan

7.1 The corporate plan sets out the ambition of wanting to make Cheltenham an even greater place for all; a place that is celebrated for its strong economy, its vibrant cultural offer and a place where our communities benefit from inclusive growth. It continues that Cheltenham is a place where everyone thrives, supported by a thriving economy, a thriving cultural offer and thriving communities.

7.2 The Plan highlights a number of key priorities, at the forefront of these is the determination to make Cheltenham the Cyber Capital of the UK, a place that will deliver homes, jobs, infrastructure and enable the Council to deliver inclusive growth for our communities.

7.3 The workstreams set out in this report detail the programme the Council are implementing to achieve this key priority. By acquiring a significant land holdings at West Cheltenham the Council can lead and attract future investment in the Cyber industry and through the successful garden communities bid can ensure exemplar development and high quality design together with key place making principles will ensure the successful future development of this location.

7.4 Working with others we will attract cyber related businesses and secure Cheltenham's position as a cyber and digital innovation hub for the UK. We will secure the investment needed to ensure successful delivery

of the Cyber Park and supporting infrastructure, investing today to create the jobs for tomorrow. We will ensure that all our communities benefit from future investments by working with them to regenerate their neighbourhoods and improve their living, working, education and leisure facilities. (copied from CP)

8.0 Consultation and feedback

- 8.1 Due to the confidential nature of negotiations in acquiring the land at West Cheltenham and the sensitive emerging proposals there has been no significant public consultation on the workstreams as set out in this report.
- 8.2 This Council have however been transparent about its land investment, holding public and press events immediately following completion of the purchase; there has also been some ongoing engagement with key local stakeholders to inform the workstreams as set out in this report. It is proposed that the Council will continue to consult both the public and private stakeholders as proposals emerge and where announcements will not impact market confidentiality.
- 8.3 A number of the workstreams set out in this report will require statutory consultation. The SPD and emerging documents are subject to formal consultation as set out in this report and any future planning applications will be subject to a formal period of public consultation by the Local Planning Authority.

9.0 Performance management – monitoring and review

- 9.1 The Senior Responsible Officer, the Managing Director of Place and Growth will monitor and review the project.

Report author	Contact officer: Jamie.fox@cheltenham.gov.uk
Appendices	1. Risk Register
Background information	<ul style="list-style-type: none"> 1. Cyber Central Vision Document 2. Report to Council, 23 July 2018 3. Report to Council, 18 February 2019 4. Report to Cabinet, 14 May 2019

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Unable to secure delivery/investment partner for the site	JF	04/07/19	5	3	15	Reduce	Engage real estate provider and prepare detailed market engagement plan to ensure maximum market exposure.	30/11/19	JF	04/07/19
	Delay in delivery of site to market caused by political or economic uncertainty	JF	04/07/19	4	4	16	Reduce	Ensure all options for delivery to market are fully explored with clear recommendations – these will allow for market fluctuations and investor confidence. Ongoing engagement with political partners to maintain support/promotion	31/12/19	JF	04/07/19
	Unable to reach collaboration with adjacent landowners regarding promotion of separate land interests	JF	23/08/19	4	3	12	Reduce	Continue engagement with adjacent landowners and understand separate aspirations and vision for the land. These shared objectives will inform future planning proposals and submissions	31/12/19	JF	23/08/19
	The Council / future investment partners have not considered future occupiers or developed the existing eco-system that is evident across the town and	JP	15/09/19	3	3	9	Reduce	The Council are working with external consultants to develop a business plan and strategy in relation to future operating models	31/01/19	JP	15/09/19

	sub-region							and occupiers			
	Anticipated costs for the West Cheltenham programme exceed budgeted finance	NH	10/09/19	4	3	12	Reduce	Detailed cost plans for the programme have been prepared and are regularly reviewed in light of spend and allocations. Regular finance options are provided to the Board	30/04/19	NH	10/09/19
	Uncertainty over government funding for local/regional infrastructure improvements	JW	01/03/19	5	4	20	Reduce	GD3 funding has now been secured. The team continues to work closely with government partners, particularly in relation to the outstanding HIF bid for J10 – a decision is anticipated later in 2019	31/12/19	JW	01/03/19
	Unauthorised encampments on land acquired	HL	23/08/19	4	3	12	Accept	A detailed land management strategy has been prepared and is being implemented by the Council to ensure site security and maintenance	31/12/19	HL	23/08/19
	Wider land assembly matters	HL	23/08/19	2	3	6	Accept	The Council has invested in the land it considers necessary to ensure the successful delivery of West Cheltenham.	30/04/19	HL	23/08/19

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

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Cheltenham Borough Council Cabinet - 5th November 2019 Lease of Sandford Park Lido

Accountable member	Cllr Rowena Hay, Cabinet Member for Finance
Accountable officer	Dominic Stead, Head of Property and Asset Management
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>The Cabinet has been asked to consider an early surrender of the lease between Cheltenham Borough Council and Sandford Lido Limited (SLL) and immediately enter into a new lease to SLL.</p> <p>The new lease is to help SLL secure and apply for funding and grants to carry out improvements and much needed refurbishment to the lido.</p> <p>The proposed lease will be broadly along the same terms as the current lease, but for a for a term of 35 years. The new lease will remain on a fully repairing and insuring basis at a rent of £5 per annum and will now have a turnover rent based on car parking income.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. agree an early surrender of the lease to SLL and to grant a new lease for a term of 35 years of the land shown edged red on the attached plan, on the rental basis set out in the report; 2. delegate authority to the Executive Director of Finance and Assets in consultation with the Borough Solicitor, to agree the remaining terms of the lease and conclude the surrender and grant of a new lease.
Financial implications	<p>The new lease for SLL has no negative financial implications as the minimum is that the consideration will stay the same as it has been throughout the previous lease. However, there is a possibility that the Council may get additional income through the new turnover rent based on the Car Parking income however this is unlikely in the short to medium term and will be dependent on demand for Car Parking within the Lido now and in the future. As section 1.8 shows this has only been payable once in the last 3 years and is not expected to be repeated in the near future.</p> <p>Contact officer: Andrew Knott , Andrew.knott@publicagroup.uk, 01242 264121</p>

Legal implications	<p>Where the Council is disposing of land by way of lease for more than 7 years, it has a statutory duty to obtain best consideration (unless certain exceptions apply). It would appear from the report that this is intended to be achieved.</p> <p>By granting a lease the Council can impose requirements on the tenant with regard to activities and charges; however, the greater the restrictions imposed the greater the risk that the lease will not satisfy the requirements of commercial lenders.</p> <p>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications identified in this report.</p> <p>Contact officer: Carmel Togher</p> <p>Email : carmel.togher@publicagroup.uk</p> <p>Tel: 01242 264391</p>
Key risks	
Corporate and community plan Implications	<p>Enhancing and protecting our environment</p> <ul style="list-style-type: none"> • Using our property assets effectively for the benefit of the community; <p>Strengthening our communities</p> <ul style="list-style-type: none"> • Working in consultation with the community, community groups and the voluntary sector; <p>Recognising, promoting and assisting community groups and volunteers.</p>
Environmental and climate change implications	<p>By giving SLL a longer lease term it will allow the trustees to seek grants and funding to look if desired into greener ways of providing heating for the swimming pool.</p>
Property/Asset Implications	<p>As set out in the report</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1 On the 1 April 1996 a charitable trust, Sandford Lido Limited (SLL), took over operational control of Sandford Parks Lido after signing a 25-year lease with Cheltenham Borough Council.
- 1.2 The current lease is at a rent of £5 per annum with no rent reviews, on a fully repairing basis, with the tenant required to pay for insurance.
- 1.3 SLL approached the Council to seek an early surrender of their current lease and requested a new lease for a term of 35 years. The approach was so SLL could more easily secure funding and grants required to carry out improvements and much needed larger repairs and modernisation.

- 1.4 The Council sought two independent specialist advisors in order to help with the renewal process and to help agree appropriate new terms for the lease. The associated reports procured comprise Appendices 4 & 5
- 1.5 Draft heads of terms have now been agreed between the Council and SLL and these are attached at Appendix 5. The lease will follow the same basis as the current one, with the main differences being:
 - **The Term** – The current lease is for a term of 25 years, whereas the proposed new lease will be for 35 years, allowing SLL to seek supporting grants and loans.
- 1.6 **User Clause** – It is proposed that the user clause will be for sporting, social, and recreational activities and other activities that the Council may permit at its absolute discretion and as a public car park.
 - The lease will now include provisions aimed at the Lido being financially accessible for all.
 - **The Rent**- The rent will remain the same as the current lease, but the new lease will allow for a turnover rent. This will be based on 50% of any car parking income over and above £365,000. If this method had been in place during the last three years, the Council would have received income as set out in Table 1.0 below.

Table 1.0

Year	Car Parking Income	% of turnover rent based on the proposed method
2016/17	£317,679	£0
2017/18	£318,270	£0
2018/19	£405,198	£20,099

2. Reasons for recommendations

- 2.1 By allowing SLL an early surrender and a grant of a new lease it allows them to seek grants and funding from providers who would have previously considered the term remaining on their current lease to short.
- 2.2 The grants and funding is for the improvements of a Council owned asset which is used by over 200,000 people a year.

3. Alternative options considered

- 3.1 The Council could refuse SLL an early surrender of their current lease, but in so doing, it would effectively prevent SLL from seeking the grants and loans required to carry out improvement works on a Council asset, thereby improving a much loved and valued local facility.

4. How this initiative contributes to the corporate plan

- 4.1 By agreeing to a new lease for 35 years, we will be delivering to the corporate plan by
 - Allowing monies to be invested into our heritage

- By allowing it to be accessible for everyone and ensuring a healthy lifestyle

5. Consultation and feedback

- 5.1** The Cabinet member for Finance, Councillor Rowena Hay, was consulted throughout the lease negotiation process, as were the Cabinet members for Healthy Lifestyles and Development & Safety.
- 5.2** Informal Cabinet was consulted in respect of the above matters which helped to guide the negotiations on the Heads of Terms.

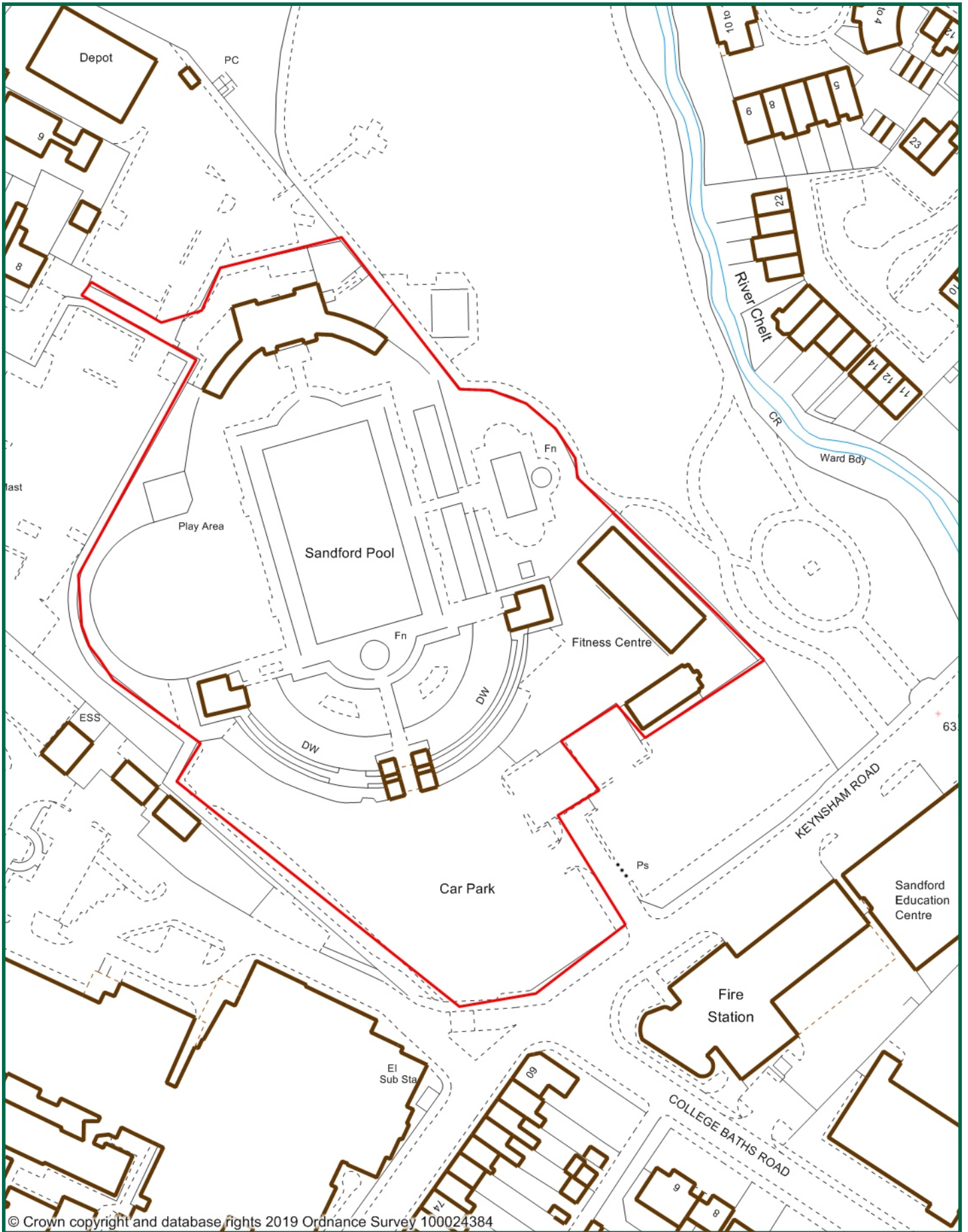
6. Performance management –monitoring and review

- 6.1** Property services will ensure that the lease surrender and grant of a new lease will be done in a timely manner.

Report author	Contact officer: rebecca.conway@cheltenham.gov.uk 01242 264109
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Appendix 2 - Plan 3. Confidential summary (Exempt) 4. Appendix 3 – Report by Fathom Consultancy Ltd (Exempt) 5. Appendix 4 – Report and email by Crosswaites Commercial (Exempt)
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	SLL decided not to renew the lease	RC	11/10/19	5	1	5		Ensure communications remain open with SLL		RC	
	Difficulty monitoring the car parking charges	RC	11/10/19	3	2	6		Ensure car parking accounts are sent through in a timely manner to the Council		RC	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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Property Map

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Cheltenham Borough Council
Overview and Scrutiny Committee – 21st October 2019
Cabinet – 5th November 2019

The Future of Public Convenience Provision – Consultation Output

Accountable member	Cabinet Member Clean and Green Environment, Councillor Chris Coleman
Accountable officer	Director of Projects, Mark Sheldon
Ward(s) affected	Park, Lansdown, Pittville, College, All Saints
Key Decision	Yes
Executive summary	<p>In July 2019, Cabinet considered a report which outlined the current situation with regard to the Authority's public toilets and four options for how the Authority might manage the amenities in the future.</p> <p>Cabinet approved the recommendation to adopt a strategy to guide future decision making with regard to public conveniences and the recommendation that a consultation exercise be undertaken in respect of option 3, "to retain selective facilities and seek a community partnership initiative to provide public access to alternative facilities".</p> <p>Following the consultation, this report identifies opportunities and recommendations for improvements to the future of public conveniences in the town centre. It discusses alternative partnership initiatives that will increase the choice of amenities available to the public, potential cost savings and responses from consultation undertaken with third sector partners, businesses and members of the public.</p>
Recommendations	<p>That Cabinet resolves to:</p> <ol style="list-style-type: none"> 1. Retain selected facilities and close selected facilities subject to achieving access to alternative appropriate facilities via a community partnership scheme as recommended in the report at paragraph 4.4 and subject to a post implementation review after 1 year. 2. Develop a community partnership initiative to provide public access to appropriate alternative facilities. 3. Delegate authority to the Head of Property and Asset Management (in consultation with the Cabinet Member Clean and Green Environment, and the Cabinet Member Finance) to implement public convenience asset investment and rationalisation in line with potential opportunities raised in the report, including approval of Heads of Terms for any agreements or transactions involving third parties. 4. Delegate authority to the Borough Solicitor to complete such

documents as she considers appropriate to implement the Heads of Terms agreed in accordance with Resolution 3.

<p>Financial implications</p>	<p>As detailed in report and appendices.</p> <p>Contact Officer: Jon Whitlock, Financial Officer</p> <p>Email: Jon.Whitlock@publicagroup.uk</p> <p>Tel: 01242 264354</p>
<p>Legal implications</p>	<p>Cheltenham Borough Council has power (but not a duty) under section 87 of the Public Health Act 1936 (as amended) to provide public conveniences, but is not obliged to do so. Where the authority provides such conveniences, regard must be had to the needs of disabled persons, and provision must be made so far as practicable and reasonable to meet those needs (s5 of the Chronically Sick and Disabled Persons Act 1970).</p> <p>If it chooses to exercise this power, it also has power to enter into agreements with third parties to achieve the outcomes, either under the Local Government Act 1972 or the Localism Act 2011.</p> <p>When deciding whether or not to close the existing public conveniences (and to proceed with any changes), the authority needs to be satisfied that it has discharged its consultation duties imposed by section 3(2) of the Local Government Act 1999 (as updated by revised Best Value Guidance Statutory Guidance of March 2015) and has had regard to its duties under the Equality Act 2010. In terms of the Equality Act 2010 the Council has to bear in mind its wider Public Sector Equality Duty (PSED) when proposing service changes i.e. the duty to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this (Equality) Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.” (‘protected characteristics’ are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.) Again, in practical terms, the PSED requires any consultation regarding service change to be at the earliest opportunity, with persons possessing a protected characteristic who may be affected, be clear who it may affect and how, and give them the opportunity to express their views. The authority needs to be satisfied that meaningful consultation has taken place in accordance with the PSED. It would be important to consider whether the provision of such services by third parties, as an alternative to the Council’s provision, would satisfy the Council’s duty.</p> <p>With regard to any infrastructure changes involving works, the authority needs to comply with the Contract Rules and procurement law.</p> <p>Contact Officer: Shirin Wotherspoon, Head of Law (Commercial)</p> <p>Email: shirin.wotherspoon@tewkesbury.gov.uk</p> <p>Tel: 01684 272017</p>

HR implications (including learning and organisational development)	<p>The HR implications are as detailed in the report. HR will work closely with the Property Team in respect of resourcing requirements.</p> <p>Contact officer: Carmel Togher, HR Business Partner</p> <p>Email: carmel.togher@publicagroup.uk</p> <p>Tel: 01242 264391</p>
Key risks	<p>That Cheltenham Borough Council is unable to develop a commercial partnership with suitable businesses to provide the number of fit for purpose facilities, in line with considerations detailed in the consultation responses, to replace those public facilities identified for closure.</p> <p>That the proposals are viewed as being detrimental to Cheltenham's amenity provision, by the public</p>
Corporate and community plan Implications	<p>The project supports the Place Strategy vision to be a place where our people, communities and environment thrives. Providing improved access to a greater number of well-maintained toilet facilities and investing in improvements to council owned facilities will contribute to improving the town centre and providing strong healthy inclusive communities.</p> <p>The project also contributes to our principles within the Corporate Plan to <i>"be commercially focused where needed and become financially self-sufficient to ensure we can continue to achieve value for money for the taxpayer"</i>.</p>
Environmental and climate change implications	<p>Reduction in use of energy and water on sites recommended to be closed.</p>
Property/Asset Implications	<p>Dependant on the delivery timescale for this scheme there may be resource availability issues within the Property team to undertake the activity proposed within this report.</p> <p>Contact Officer: Garrie Dowling, Senior Property Surveyor</p> <p>Email: gary.dowling@cheltenham.gov.uk</p> <p>Tel: 01242 264394</p>

1. Background

1.1. In May 2019 a report was submitted to Asset Management Working Group (AMWG) that detailed the current situation with regard to the Authority's public toilets and four options for how the Authority might manage the amenity in the future. The options were:

- **Option 1** – Retain and invest in the facilities currently operational
- **Option 2** – Close all facilities and seek a community partnership initiative to provide public access to alternative facilities

- **Option 3** – Retain selective facilities and seek a community partnership initiative to provide public access to alternative facilities
- **Option 4** - Retain and invest in the facilities currently operational and introduce charging

Taking into account the feedback from the AMWG a report was subsequently submitted to Overview and Scrutiny and Cabinet in July.

- 1.2. Cabinet approved the recommendation to adopt a strategy to guide future decision making with regard to public conveniences and the recommendation that a consultation exercise be undertaken in respect of option 3, "to retain selective facilities and seek a community partnership initiative to provide public access to alternative facilities", detailed within the options appraisal section.
- 1.3. The project team were asked to report back to AMWG, O&S and Cabinet with the outcome of the consultation and recommend a way forward.

2. Rationale

- 2.1. The majority of the public toilet facilities are in need of major refurbishment which will put substantial pressure on the planned maintenance budgets over the next ten years. Operationally, these facilities are also expensive to run, and while it is desirable to offer this public amenity, they will continue to be a costly obligation on the Authority's budgets.
- 2.2. There are commercial development opportunities that present themselves for a number of the public conveniences within the Town centre.
- 2.3. An additional consideration is the cost of maintaining the new 'Changing Places' accessible toilet at Pittville Park. There is a commitment to off-set these costs by making savings elsewhere.
- 2.4. Following an initial report on the Future of Public Toilets, AMWG, O&S and Cabinet request was to consult with our partners on the recommended option to retain selective facilities and seek a community partnership initiative to provide public access to alternative facilities.
- 2.5. Resulting consultation feedback may assist the Asset Management Working Group, Overview & Scrutiny and Cabinet members in their considerations and decisions on the future provision of public conveniences.

3. Consultation

- 3.1. The project team are now in a position to provide an update from the consultation undertaken on the proposals for the future of public toilets and initial feedback from the business community with regard to the community partnership initiative, and our recommendations for next steps.
- 3.2. Consultation has been focused on three sectors that are likely to have an interest in the outcome of any decision pertaining to the council's proposals for public toilets.
 - Third sector partner organisations
 - The public
 - Businesses interested in the Community Partnership Initiative
- 3.3. We also met with Gloucester City Centre Manager to discuss their community partnership initiative to understand the challenges and benefits they have experienced.
- 3.4. Consultation Summary

A small number of responses from public consultation (129) were received.

In summary, the responses suggest that any solutions will need to be fit for purpose; therefore they will need to be:

- Accessible to all (including disabled users and users with babies)
- Clean
- Open during appropriate hours
- Safe

Should retail outlets be considered the solution, certain stores could be deemed inappropriate (bookmakers, lingerie shops) so for the avoidance of negativity, would suggest that we do not entertain these as potential inclusions.

3.5. Third Sector Partner Organisations

The Authority engaged with a number of Third Sector Partners to gauge their appetite for the proposals on the basis that their clients will have specific needs that should be considered.

Of the eleven organisations with whom contact was made, chosen since overall they represent a wide section of the community, responses have been received from seven, four being face to face and three by email.

The comments have been summarised below and details can be found in **Appendix A**.

- Clear signage/map
- Consideration of cultural/religious prohibition
- Preference is for Male/female separated toilets
- Toilets to be well-spaced around town and specifically in transport hubs
- Toilets within commercial premises need to be easily accessible
- High level of staff engagement required to ensure they are welcoming and helpful to the public.
- Greater provision of Changing Places within the town centre and the out of town retail parks required.
- Longer opening hours
- Consideration of sensory, visually impaired needs
- Consideration of accessibility needs
- Consideration of impact of the nature of the business on children
- Provision of consistent positive experience
- Toilets in more of the town's parks, open and available consistently, not less
- It is positive to pursue options that allow Cheltenham to have more toilets accessible around the town for the public
- Toilets accessible to use in the evenings would help the night time economy
- Businesses considered for commercial partnership must have decent lighting, facilities, access etc.
- The public toilets definitely need upgrading and the ideas for this are excellent
- It is good that CBC is consulting with Gloucester City Council over the business courtesy scheme. The ideas for this are good
- Consideration of safety in certain locations
- Consideration of voluntary sector organisation inclusion in Community Partnership Initiative

These considerations will be useful for identifying suitable business premises.

3.6. Public Consultation

Having engaged with the third sector organisations, a number raised the question why the council were not undertaking a public consultation. Given the Authorities wider Public Sector Equality Duty (PSED), this was

reconsidered and a consultation was announced and published on 6th September 2019, closing on 26th September 2019. **Appendix B**

Three questions were asked –

- What, in your view, should the council consider when assessing suitability of toilet facilities within businesses/commercial properties.
- Are there any business types that you would not feel comfortable accessing to use their facilities
- Do you think these proposals are a good idea? If not, what are your concerns.

Feedback from the public consultation has been analysed and many of the comments echo those provided from the third sector organisations. This is encouraging as it would suggest that the opinions across a wide section of the community are aligned.

Question 1: What, in your view, should the council consider when assessing suitability of toilet facilities within businesses/commercial properties?

Response Overview: The most important issue for responders was accessibility of toilets, and that they should be suitable for all users, including disabled access and also access for baby buggies. Concerns were raised that the facilities would be open at suitable times i.e. not just during the normal working day.

A desire to have clean facilities was mentioned, along with a need for baby changing facilities in both male and female toilets

Question 2: Are there any business types that you would not feel comfortable accessing to use their facilities?

Response Overview: Over 37% of responders stated that there were no facilities that they would feel uncomfortable using, however, of those that did voice an opinion, the most common facilities that would be considered uncomfortable to use were:

- Pubs
- Bookmakers
- Lingerie Shops
- Small Shops (as it was perceived that users might feel pressure to buy something)

It is not known whether these were stated as issue facilities for reasons of simple preference or maybe other reasons e.g. religious reasons

Question 3: Do you think these proposals are a good idea? If not, what are your concerns?

Response Overview: Of the responders, over 32% stated that they thought that the proposals were a good idea, with another 15% stating clearly that they thought that the proposals were a bad idea. The concerns voiced included:

- A belief that CBC owes it to the town to provide adequate public toilets (this was mentioned on a number of occasions)
- Concerns that anti-social behaviour will take place in facilities e.g. drug taking
- Concerns that staff offering their facilities may be subject to abuse from users

Also included within the consultation were seven questions relating to demographics, to help understand whether the feedback captured encompassed a wide range of respondents. Whilst this has been the case in most instances, the question relating to race/ethnicity showed over 86% of respondents classed themselves as white/white British.

Details of the feedback and demographic breakdown can be seen in **Appendix B**

3.7. Community Partnership Initiative Consultation

It was thought to be useful to gauge initial interest from businesses on support for a community partnership initiative.

A flyer headlining the community partnership proposal was sent out to town centre businesses, via The Cheltenham BID, and to Suffolk Road, Bath Road and Montpellier Traders. Whilst there was not a big response, we did get keen interest from the following businesses in the Town Centre –

- John Lewis
- House of Fraser
- Mr Mulligans Crazy Golf
- Treble 2 Coffee House.

Initial interest has also been shown from The Cheltenham Trust and our own premises, The Municipal Offices.

Further engagement will not be pursued until such time that Cabinet has granted approval of this approach.

The Overview and Scrutiny committee considered the proposals on 21st October 2019 and suggested that the Cabinet should consider ensuring adequate wc provision to support the night time economy. This will be considered in the development of the community partnership initiative.

3.8. Lessons Learned from Gloucester City Council

A meeting was held with Gloucester City Centre Manager, in August, to discuss the learnings they have found following the launch of their Public Toilets Community Partnership Scheme in 2012.

A summary of that discussion is detailed below.

Engaging Businesses

- Need to meet face to face
- Focus on targeting those premises identified rather than blanket engagement
- Primary concern of businesses – drugs & anti-social behaviour. However the regular use of these toilets means the ‘hidden’ element is removed and many businesses have cctv – both elements significantly reduce risk of poor behaviour and the council have had no cause for concern.
- Recommendation to provide payment on a quarterly basis to protect the council against losses should a business close.
- Some businesses don’t require payment as feel they benefit from being involved in the scheme, in other ways.
- All buildings owned by GCC automatically participate in the scheme.

Quality Standards

- BID ambassadors and PCSOs act as ‘mystery shoppers’ and report back to the council
- Whilst the council have not had complaints from either businesses or customers they would expect customers to initially speak to business if there are any issues. If a complaint came in to GCC, it would follow the standard complaints process.

Promotion

- Signage is crucial. Stickers on windows of businesses indicate the range of facilities available within the premises.



- Information is provided on GCC & Marketing Glos websites.
- Brochures available at TIC/Library/Council Offices but not at the business partner locations
- The scheme also benefits Purple Flag status

NOTE; There are no Changing Places in place or planned, within Gloucester city centre.

3.9. Overview and Scrutiny committee

The proposal were considered by Overview and Scrutiny committee on 21st October 2019. Whilst the review and proposals were broadly supported, concerns were raised about closing facilities ahead of having a partnership scheme in place; specific concerns were raised in relation to closing Royal Well in view of the councils Place making aspirations since these are the first toilets available for visitors arriving by coach; concern over closure of Bath Terrace given the inaccessibility of some of the toilets in this location within business premises and the potential to address wc provision to support the night time economy. The recommendations have been revised to reflect some of these comments.

4. Development of Option 3

- 4.1. The feedback provided from consultation will be extremely helpful in developing option 3, i.e. retaining selected facilities and seeking a community partnership initiative to provide public access to additional facilities.
- 4.2. In order to move the project forward there is a requirement to identify and gain approval for those facilities to be retained and those to be closed.
- 4.3. In considering the feedback, it would seem that there is support for retaining those facilities located within the parks, Montpellier, Pittville and Sandford, these being seen as an important amenity. Montpellier Gardens and Pittville Park toilets will need to be refurbished. Sandford Park toilet is currently not fit for purpose and it is proposed to provide a new facility within close proximity of the existing site. This would improve both access and visibility and, consequently security.

4.4. Recommendations/Potential Opportunities

Asset	Recommendation
Bath Terrace	Close subject to achieving access to alternative appropriate facilities via a community partnership scheme
Imperial Gardens	Close subject to achieving access to alternative appropriate facilities via a community partnership scheme
Montpellier Gardens	Retain and refurbish
Pittville Park	Retain and refurbish
Royal Well	Close and access alternative facilities via a community partnership scheme
Sandford Park	Retain and redevelop a new facility
Ambrose Street	Keep Closed
Town Centre East	Keep Closed

4.5. The initial options were subject to an equality impact assessment which identified that any community partnership scheme would need to ensure that the council duties are met and that businesses operating under the scheme would provide a variety of choice and easy access to the user.

5. Financial Summary of realigned costs options

5.1. In order to ensure the financial implications of developing option 3 are as accurate as possible, a supplementary review of costs has been undertaken. This has involved additional analysis of maintenance costs with Ubico and refurbishment/redevelopment costs required on the basis of retaining the council's public toilet facilities within the parks, Montpellier, Pittville and Sandford.

5.2. The public toilets at Montpellier and Pittville will require refurbishment of the current facilities.

5.3. The public toilets at Sandford Park are no longer fit for purpose and will be required to be redeveloped. The recommendation is to build these in close proximity to the current site which will allow them to be of service to users of the playground, boule pitch, café and the park in general.

5.4. Whilst refurbishment costs will come from the planned maintenance budget, there will need to be provision made from the capital budget for the cost of redeveloping toilets at Sandford Park. A bid for funding a new facility will be included in the 2020/21 budget proposals to be considered by Council in February 2020.

5.5. Development of this proposal indicates an annual saving of nearly £100k. Full financial details can be found in Appendix C

Summary						
	Annual Revenue Net Cost	10 Year Refurbishment Costs (PMP)	New Capital Expenditure	Total 10 Year Cost	Annualised Net Cost for comparative purposes (10years)	Annual Saving compared to current state
Option 1 (Current)	£148,000	£1,023,000	£0	£2,503,000	£250,300	£0
Option 3	£108,000	£453,000	£0	£1,533,000	£153,300	-£97,000

Note: These figures have excluded any additional revenue from commercial opportunities. A separate piece of work would need to be undertaken to understand those financial benefits

- 5.6. This option will enable the Property team to investigate revenue generation from disposal or commercial opportunity from the five redundant amenities.

6. Conclusion

- 6.1. Continuing to keep the councils public conveniences open is expensive and many facilities are at the point where they require significant investment. Whilst the amenity is of benefit to residents and visitors to the town, the Council is not required, under current legislation, to provide these facilities.
- 6.2. Results from partner organisations and public consultation appear to support the proposal to retain selective facilities and undertake a community partnership initiative, on the basis that the selected premises are fit for purpose and will offer a positive experience.
- 6.3. Initial engagement suggests there is appetite from the business community to support the community partnership initiative.
- 6.4. The council will benefit from the learnings shared by Gloucester City Council on their community Partnership Scheme. Promotion of the community partnership scheme, through availability of information and clear signage is key to its success.
- 6.5. The toilets located within the towns' principal parks, Montpellier, Pittville and Sandford, provide important facilities in support of the public amenity and are, therefore, recommended to be retained.
- 6.6. The financial review has included updated maintenance costs and estimated refurbishment and redevelopment of the toilets recommended to be retained.

7. Recommendations

- 7.1. In reviewing the current status and future opportunities presented from our public convenience amenity and the feedback received from the consultation undertaken the project team makes the following recommendations:-
- Develop a community partnership scheme allowing public access to public conveniences in commercial premises that are fit for purpose and where it is geographically beneficial to do so.
 - Request the Property team implement asset investment and rationalisation in line with potential opportunities for the five toilet facilities proposed to be closed.
 - Request the Property team implement plans to refurbish Montpellier Park and Pittville Park toilets and redevelop the facilities at Sandford Park.
 - Deliver a communication plan that engages and informs the public and stakeholders on the project proposals in a timely manner.

8. Performance management –monitoring and review

- 8.1. This project will follow the principles of Prince 2 project management.
- 8.2. The business case in this report will provide the benchmark for measuring the financial benefits over the following 10 years.
- 8.3. The success of the project will be monitored as part of the councils standard performance management strategy.

<p>Report author</p>	<p>Contact officer: Jane Stovell, Project Manager</p> <p>Email: jane.stovell@cheltenham.gov.uk</p> <p>Tel: 01242 264367</p>
<p>Appendices</p>	<ul style="list-style-type: none"> A. Third Sector Partner Organisation Feedback B. Public Consultation C. Realigned Costs for Option 3 D. Risk Assessment E. Equality Impact Assessment
<p>Background information</p>	<p>Cabinet Report May 2019 https://democracy.cheltenham.gov.uk/documents/s30109/2019_07_09_Toilets_Cab_Report_v5.pdf</p> <p>https://webarchive.nationalarchives.gov.uk/20120920031420/http://www.communities.gov.uk/documents/localgovernment/pdf/1064520.pdf</p> <p>https://webarchive.nationalarchives.gov.uk/20120920031546/http://www.communities.gov.uk/documents/localgovernment/pdf/713772.pdf</p>

Appendix A

Third Sector Partner Organisation Feedback

Organisations contacted –

- GRCC (VCS)
- LGBT partnership
- Gloucester Gay & Lesbian Community
- West End Partnership
- Sahara Saheli
- Family Space
- Active Impact
- PATA
- Highbury Club (VIPs)
- National Star
- Accessibility Forum

Consultee	comments
GRCC (VCS)	<ul style="list-style-type: none"> • It is positive to peruse options that allow Cheltenham to have more toilets accessible around the town for the public. • It would help the night time economy (and hopefully reduce issues of people urinating in doorways and on businesses) if there were more toilets accessible to use in the evenings. • It is key to ensure a spread of accessible toilets placed in the right places around town. • It is key that the businesses who sign up have toilets with decent lighting, facilities, access etc. • The National Star College have a desperate need for more changing places toilets – Angela can send Jane a contact to link her directly to Parent Carer groups. • Sandra from The Highbury Club wants to ensure that toilets are friendly for visually impaired individuals. For example a white room with white sanitary ware can be an issue as VIP can't differentiate one item from another. • And a key one at the end: Why is this not a public consultation? It seems key that the public are made aware and the forum are keen to push this point.

<p>LGBT partnership</p>	<p>Suggest have a chat on podcast - contact Claire Peterson to arrange Ideally people want choice gender neutral,w,m,famiy,disabled,baby changing women less keen on unisex consider business turnover - see GCC consider complaint route - see GCC Signage reflecting type of toilet available more than currently available & dotted around town pub toilets not appealing for this group Check coffee shop policies also contact Glos carers hub & glos young carers</p>
<p>Gloucester Gay & Lesbian Community</p>	<p>The public toilets definitely need upgrading and the ideas for this are excellent. It is good that CBC is consulting with Gloucester City Council over the business courtesy scheme. The ideas for this are good. Perhaps there could be some sort of alarm system in the public toilets where some people may feel unsafe at certain times such as the bus station, parks etc</p>
<p>West End Partnership</p>	<p>No response</p>
<p>Sahara Saheli</p>	<ul style="list-style-type: none"> • A map would be really useful, to know where the toilets are • We need to ensure there are enough disabled toilets in the town • Clear big signage which is easy to spot is key (so they know where the toilets are) • Important to offer large baby changing spaces • The Muslim ladies would not use a toilet in a public house • They would prefer toilets which are separated for each sex, though thought that the gender neutral toilets which are enclosed with sinks would potentially be ok. • It is important to have the toilets well-spaced around town. • One lady thought that all the public toilets were key and important to keep them all open • They discussed how the royal well one was useful for travelling by bus (there isn't one at the Gloucester station?) and even though there is the pay one at the station you can only go in one at a time which isn't ideal. • One of the ladies thought that all the young people without jobs in the town should be used to clean and look after the toilets.
<p>Family Space</p>	
<p>Active Impact</p>	<p>1) - Toilets made available to members of the public within businesses etc need to be easy to find, ideally on the ground floor and to be spacious and accessible to ensure disabled people can use them easily. Staff should be well trained to understand that the toilets are public access and to be inclusive of all users, including disabled people (may not be 'visible' conditions), and LGBTQ+ community. More provision of Changing Places within the town centre and the out of town retail parks are much needed (good to hear about Regent's Arcade). If public are relying on the toilets then they need to be open for consistent hours and for as long into the evening as possible.</p>

	<p>Consider sensory needs - are the lights defuse, is there a loud hand dryer? Are strong smelling cleaning products or air fresheners used?</p> <p>In accessible toilets is there transfer space on both sides of the toilet?</p> <p>Are all staff trained to know how to respond if the emergency cord is pulled? Do all staff know and is it clearly marked for users too that the emergency cord must hang freely down to the ground? 'tucking it away' for safety round handles etc renders it wholly ineffective as someone who has fallen to the floor and needs assistance will not be able to reach it.</p> <p>2) Licensed bars etc may not be appropriate for some users. Loud music, rowdy clientele etc. Relying on fast food restaurants for public toilets could present issues for families of children whose impairments may mean they cannot separate using the facilities with visiting for food meaning families risk a meltdown to go in to use loo and come out without buying food etc.</p> <p>3) While having more toilets available in more locations by using businesses, offices etc across the town would be a positive the management of quality and customer service will be important to ensure people are not having a negative experience. Consistent access is so important and still having a municipal facility would be one way of providing this.</p> <p>If current facilities in public spaces like parks are reduced this will severely impact people whose conditions mean they need to be near a toilet facility at all times (this is more people than you think and can include people with temporary impairments such as post-natal women). Having to walk from a park some distance to a local business could cause undue physical and emotional distress. We need toilets in more of the town's parks, open and available consistently, not less.</p>
PATA	No response
Highbury Club (VIPs)	<p>only request for the décor of the accessible/disabled toilets to be 'visually-impaired-friendly'. Something quite minor (in cost) can make a huge difference to a vip's independence.</p> <p>Example: I took my group to a restaurant recently which I had checked had a nice, roomy, accessible toilet. However, my vip friend needed me to take her right into it rather than just show her the door as it was completely white and she couldn't differentiate the sanitary-ware from the walls etc.</p>
National Star	No response
Accessibility Forum	<p>I don't use the public toilets in the parks etc. very often. I tend to use the ones in Caffé Nero/Marks and Spencer where I can access them independently with my guide dog. I would feel very vulnerable going to the public ones in the park.</p>

Appendix B

Public Consultation Responses

A summary of the responses to questions 1-3 are included in section 3.6 of the report.

Detailed responses to questions 1-3 are to be found in a separate attachment

<\\mudata\Shared Data\Special Projects\Public Toilets\Consultation\Final export - Data All 190927\Proposals for the future of public toilets in Cheltenham.xlsx>

Demographic Responses – questions 4-10

Please note that questions from this point on were optional

Question 4: Are you a resident of the Cheltenham Borough area?

Response Overview: 87.5% of responders are residents of Cheltenham Borough, however those from outside of the Borough will still have valid opinions, as they may live in areas outside of the Borough but work in the town e.g. residents of Bishops Cleeve and Woodmancote

Question 5: What is your gender?

Response Overview: Over 63% of responders identified as female, with over 31% identifying as male

Question 6: What is your age group?

Response Overview: There was a wide spread of ages responding to the consultation, which was encouraging to see. Very few respondents were in the over 75's bracket, however this may be due to the fact that the consultation was online and the aged population possibly does not have access to online solutions. The majority of responders (over 41%) were within the age range of 45-64

Question 7: Which of the following categories best describes your employment status?

Response Overview: The employment status of responders was as follows:

- Employed >47%
- Not Employed >7%
- Retired >34%
- Disabled >4%

This broad spectrum of employment status' is encouraging, as the results of the consultation can be seen to encompass the opinions of the diverse nature of those living in the Borough, and so can be considered a fair representation of the population as a whole

Question 8: Which race/ethnicity best describes you?

Response Overview: Over 86% of responders stated that they were White/White British. This is slightly disappointing as it would have been nice to have had a slightly more diverse cross section of those living and working in the Borough

Question 9: Do you identify as having a disability or impairment in any way?

Response Overview: For responders to this question, the results were as follows:

Disabled >28%

Not Disabled >61%

Prefer Not To Say 10%

This spectrum is encouraging, as it would suggest that the responders will have given due consideration to their needs, which in turn should have assisted in providing thoughtful feedback

Question 10: What is your religion, if any?

Response Overview: The responders, by and large, split into 2 categories:

Christian (including Catholic) >34%

No Religion >51%

Appendix C

Realigned Costs for Option 3

OPTION 1 Retain and invest in the facilities currently operational

Current Revenue Running Costs

	Bath Terrace	Imperial Gardens	Montpellier Gardens	Pittville Park	Changing Places Pittville Park	Royal Well	Sandford Park	Ambrose Street	Town Centre East	Total						
Ubico Costs	£ 6,859	£ 11,156	£ 22,070	£ 26,898	£ -	£ 22,070	£ 8,581	£ -	£ -	£ 97,633						
Utilities - Electricity	£ 725	£ 1,180	£ 2,334	£ 2,845	£ -	£ 2,334	£ 908	£ -	£ -	£ 10,327						
Utilities - Water	£ 466	£ 758	£ 1,500	£ 1,828	£ -	£ 1,500	£ 583	£ -	£ -	£ 6,634						
Utilities - Sewerage & Drainage	£ 531	£ 863	£ 1,708	£ 2,082	£ -	£ 1,708	£ 664	£ -	£ -	£ 7,556						
Compliance	£ 167	£ 756	£ 357	£ 508	£ 2,500	£ 364	£ 52	£ -	£ -	£ 4,704						
Maintenance	£ 5,706	£ 4,446	£ 7,816	£ 6,603	£ 600	£ 8,336	£ 1,432	£ -	£ -	£ 34,939						
Business Rates	£ 2,470	£ 1,656	£ 2,928	£ -	£ -	£ 1,646	£ -	£ -	£ -	£ 8,700						
Contribution	£ -	£ 14,600	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ 14,600						
Current Revenue Running Costs	£ 16,925	£ 6,215	£ 38,712	£ 40,764	£ 3,100	£ 37,958	£ 12,220	£ -	£ -	£ 155,893						
Adjusted by																
New Revenue Costs Yr 1	£ 16,925	£ 6,215	£ 38,712	£ 40,764	£ 3,100	£ 37,958	£ 12,220	£ -	£ -	£ 155,893	£ 15,589					
Annual Saving NNDR Yr2-10	-£ 2,470	-£ 1,656	-£ 2,928	£ -	£ -	-£ 1,646	£ -	£ -	£ -	-£ 8,700						
NEW Revenue Saving Yr2-10	£ 14,455	£ 4,559	£ 35,784	£ 40,764	£ 3,100	£ 36,311	£ 12,220	£ -	£ -	£ 147,193	£ 132,474					
Refurbishment costs next 10 years	£ 200,000	£ 200,000	£ 250,000	£ 60,000		£ 225,000	£ 88,000	£ -	£ -	£ 1,023,000						
												£ 148,063	£ 1,023,000	£ -	£ -	£ -
												Rounded	£ 148,000	£ 1,023,000	£ -	£ 2,503,000
												Annual Revenue Costs	10 Year Refurbishment Costs (PMP)	New Capital Expenditure	Total 10 Year Cost	Annualised Cost for comparative purposes

OPTION 3 Retain Selective facilities and seek community partnership initiative to provide public access to additional facilities

Current Revenue Running Costs

	Close	Close	Retain	Retain	Retain	Close	Retain	Close	Close							
	Bath Terrace	Imperial Gardens	Montpellier Gardens	Pittville Park	Changing Places Pittville Park	Royal Well	Sandford Park	Ambrose Street	Town Centre East	Total						
Ubico Costs	£ 6,859	£ 11,156	£ 22,070	£ 26,898	£ -	£ 22,070	£ 8,581	£ -	£ -	£ 97,633						
Utilities - Electricity	£ 725	£ 1,180	£ 2,334	£ 2,845	£ -	£ 2,334	£ 908	£ -	£ -	£ 10,327						
Utilities - Water	£ 466	£ 758	£ 1,500	£ 1,828	£ -	£ 1,500	£ 583	£ -	£ -	£ 6,634						
Utilities - Sewerage & Drainage	£ 531	£ 863	£ 1,708	£ 2,082	£ -	£ 1,708	£ 664	£ -	£ -	£ 7,556						
Compliance	£ 167	£ 756	£ 357	£ 508	£ 2,500	£ 364	£ 52	£ -	£ -	£ 4,704						
Maintenance	£ 5,706	£ 4,446	£ 7,816	£ 6,603	£ 600	£ 8,336	£ 1,432	£ -	£ -	£ 34,939						
Business Rates	£ 2,470	£ 1,656	£ 2,928	£ -	£ -	£ 1,646	£ -	£ -	£ -	£ 8,700						
Contribution	£ -	£ 14,600	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ 14,600						
Current Revenue Running Costs	£ 16,925	£ 6,215	£ 38,712	£ 40,764	£ 3,100	£ 37,958	£ 12,220	£ -	£ -	£ 155,893						
Adjusted by																
Remove Ubico Saving	-£ 9,351	-£ 8,599				-£ 17,013				-£ 34,964						
Remove Other costs	-£ 10,066	£ 4,941				-£ 15,888		£ -	£ -	-£ 21,014						
Add back NNDR, costs will be until asset disposal	£ 2,470	£ 1,656				£ 1,646		£ -	£ -	£ 5,772						
Community Partners 10 @ £500										£ 5,000						
New Revenue Costs Yr 1	-£ 22	£ 4,212	£ 38,712	£ 40,764	£ 3,100	£ 6,703	£ 12,220	£ -	£ -	£ 110,688	£ 11,069					
Annual Saving NNDR Yr2-10			-£ 2,928	£ -	£ -		£ -			-£ 2,928						
NEW Revenue Saving Yr2-10	-£ 22	£ 4,212	£ 35,784	£ 40,764	£ 3,100	£ 6,703	£ 12,220	£ -	£ -	£ 107,760	£ 96,984					
Refurbishment costs next 10 years	£ -	£ -	£ 250,000	£ 60,000	£ -	£ -	£ 143,000	£ -	£ -	£ 453,000						£ 453,000
												Total	£ 108,053	£ 453,000	£ 453,000	
												Rounded	£ 108,000	£ 453,000	£ 453,000	
												Annual Revenue Costs	10 Year Refurbishment Costs (PMP)			

Appendix D Risk Assessment

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	Risk Status
		Owner										
1.01	If Cheltenham Borough Council is unable to develop a community partnership with suitable businesses to provide fit for purpose facilities then there may be a reduction in the number of public conveniences that are currently available.	MS	29/05	4	3	12	Reduce	Engagement with Cheltenham BID to support the initiative will assist with developing partnerships. Plan to approach more businesses that required to increase options Consult with partners to understand detailed requirements of our PSED	tbc	JS	N	open
1.02	If the proposals are determined to be detrimental to Cheltenham's amenity provision by residents then the reputation of the council will be damaged	MS	29/05	2	4	8	Reduce	Ensure that communications stress the benefits of the proposals to residents. Provide clear information about the toilets available as part of the community partnership on CBC website. Provide clear signage for businesses involved in the community partnership scheme.	tbc	Comms	N	Open
1.03	If the proposals are determined to be detrimental to Cheltenham's amenity provision by visitors then	MS	29/05	2	3	6	Reduce	Ensure that communications stress the benefits of the proposals to visitors. Share information with	tbc	Comms	N	open

	there could be a detrimental impact on tourism								Marketing Cheltenham Provide clear information about the toilets available as part of the community partnership on CBC and Visit Cheltenham websites. Provide clear signage for businesses involved in the community partnership scheme.				
1.04	If the proposals are determined to be detrimental to Cheltenham's amenity provision by those with specific needs then the council could be accused of being unsupportive to disadvantaged groups.	MS	29/05	3	3	9	Reduce	Consult with partners to ensure the community partnership initiative delivers facilities suitable for all residents and visitors and PSED is considered. Ensure that communications stress the benefits of the proposals to residents. Provide clear information about the toilets available as part of the community partnership initiative on CBC website. Provide clear wayfinding signage to businesses involved in the community partnership scheme. Engage with 3 rd sector organisations to ensure information is available to those groups with specific needs.	tbc	JS	N	Op	Page 211

1.05	If the costs of refurbishment of the retained toilets has been underestimated then the business case will not deliver the level of benefits identified in this document	PJ	29/05	3	3	9	Accept	Ensure refurbishment costs are competitive and design brief details cost effective requirements	tbc	Property	N	Open
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APPENDIX E

Equality impact assessments – for services, policies and projects

Background

Name of service / policy / project and date	The Future of Public Convenience Provision – Consultation Output
Lead officer	Mark Sheldon, Director of Projects
Other people involved in completing this form	Jane Stovell, Project Manager Louise Forey, Participation and Engagement Team Leader

Step 1 - About the service / policy / project

What is the aim of the service / policy / project and what outcomes is it contributing to	<p>The project aim is to improve access to public conveniences for residents and visitors; to identify and generate cost savings to offset the additional costs of the providing the Changing Places facilities and realise the commercial potential from rationalisation of the public conveniences in the town centre; refurbish/replace the retained toilets and develop alternative partnership initiatives that will increase the choice of amenities available to the public.</p> <p>These outcomes contribute to enable our people, communities and environment to thrive. The project also contributes to our principles within the Corporate Plan to “be commercially focused where needed and become financially self-sufficient to ensure we can continue to achieve value for money for the taxpayer”.</p>
Who are the primary customers of the service / policy / project and how do they / will they benefit	<p>The public, both residents and visitors are the customers of this project.</p> <p>Providing public access to a greater number of well-maintained toilet facilities, with increased opening hours, and investing in improvements to council owned facilities will contribute to improving the town centre and providing strong healthy inclusive communities.</p>

How and where is the service / policy / project implemented	The scope of the project covers Cheltenham Town centre and central parks
What potential barriers might already exist to achieving these outcomes	Ability to develop community partnerships with businesses that would provide sufficient suitable accessible toilet facilities

Step 2 – What do you know already about your existing / potential customers

What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information	<p>Consultation has been undertaken with third sector partners, members of the public and businesses to understand more their needs and expectations.</p> <p>Previous consultation specific to those with complex disabilities was undertaken as part of the CBC Changing Places project.</p> <p>Research and Government guidance (March 2008 and November 2008) encouraging local authorities to provide better access and better quality toilets, provides useful information when considering Community Partnership Toilet Schemes –</p> <ul style="list-style-type: none"> • Promotion of scheme • Signage both external and within the business facility • Accessibility for those with disabilities • Consideration of the nature of the business (e.g. single women or people with specific religious beliefs may not be comfortable using a pub toilet) • Range of businesses to meet needs at different times of the day • Improvements to poor quality facilities that attract anti-social activity
What does it tell you about who uses your service / policy and those that don't?	<ul style="list-style-type: none"> • Anyone may need to use a public toilet. • Some people are comfortable using public facilities within businesses whilst others feel they should only use these facilities if they are a customer of said business. • Some people feel vulnerable using council facilities due to perceived isolated environment or threat of anti-social behaviour. • Some people cut short their time spent in the town centre as do not feel comfortable using a public facility at all • Council facilities opening hours do not always support the business hours within the town.
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	Genuine or perceived safety levels and current opening hours appear to be a barrier to provision of a useful amenity for the town

If not, who do you have plans to consult with about the service / policy / project?	
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Step 3 - Assessing Impact

How does your service / policy / project impact on different groups in the community?

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
Ethnicity / Race	Public and third sector Consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice for the user	
Sex	Public Consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice for the user	
Gender Reassignment	Public Consultation & LGBTQ+ consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice for the user	
Age	Public Consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice and easy access for the user	
Disability	Public and third sector Consultation	Select accessible inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice and easy access for the user	
Religion or belief	Public and third sector Consultation	Select inappropriate businesses to join	Ensure the community partnership scheme engages with a variety of	

		the community partnership scheme	businesses to provide choice for the user	
Sexual orientation	Public Consultation & LGBTQ+ consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice for the user	
Marriage and Civil Partnership	Public Consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice for the user	
Pregnancy & Maternity	Public Consultation	Select inappropriate and inaccessible businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice and easy access for the user	
Other socially excluded groups or communities	Public Consultation	Select inappropriate businesses to join the community partnership scheme	Ensure the community partnership scheme engages with a variety of businesses to provide choice and easy access for the user	

Step 4 - what are the differences

Are any groups affected in different ways to others as a result of the service / policy / project?	Financially disadvantaged groups may be more likely to be impacted as may not have easy access to transport options which gives them greater mobility flexibility. This could result in these groups being more dependent on facilities within the town centre. People with disabilities that currently use the facilities may need to consider planning alternative pedestrian routes around the town to ensure ease of access to facilities in new locations.
Does your service / policy / project either directly or indirectly discriminate?	No
If yes, what can be done to improve this?	
Are there any other ways in which the service / project can help support priority communities in Cheltenham?	Promotion of the community partnership scheme needs to consider those who are visually impaired. Ensuring refurbishment of retained council facilities is undertaken in line with relevant Equality and Disability legislation.

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Step 5 – taking things forward

What are the key actions to be carried out and how will they be resourced and monitored?	It is essential that the objectives of the Community Partnership Toilet Scheme are achieved and that the locations secured as part of the scheme are fit for purpose for all residents and visitors and successfully promoted through various channels, prior to implementing closure of existing facilities
Who will play a role in the decision-making process?	Propose to engage CBC community partnerships officers and partners to ensure no group is disadvantaged in decisions on the location and facilities on offer as part of the community partnership scheme.
What are your / the project's learning and development needs?	Discuss with partner groups the most appropriate way to promote the new facilities and ensure people are aware of the scheme.
How will you capture these actions in your service / project planning?	Captured as part of the project risks and individual considerations when determining locations and businesses to engage with as part of the Community Partnership Scheme

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**Cheltenham Borough Council
Cabinet – 5 November 2019
Local Council Tax Support Scheme for 2020/21**

Accountable member	Councillor Rowena Hay, Cabinet Member Finance
Accountable officer	Jayne Gilpin, Head of Revenues and Benefits
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>Each year the council is required to consider its Local Council Tax Support Scheme for working age customers. Consultation has been undertaken in respect of proposed changes to the council tax support scheme for 2020/21. Responses to the consultation have been analysed and changes have been incorporated in to a revised draft scheme. Cabinet is being asked to adopt this draft scheme and recommend that Council approves it as the Council’s scheme for 2020/21</p> <p>The scheme for pension age customers is not affected by these changes as it is set by Government and administered by the council</p>
Recommendations	<p>Cabinet</p> <ol style="list-style-type: none"> 1) Notes the outcome of the consultation on proposals to change the Local Council Tax Support scheme in Appendix 4 2) Approves the council tax support scheme for working age customers in Appendix 2 and summarised in Appendix 3 as the preferred option for 2020/21 3) Recommends that Council approves the proposed Local Council Tax Support Scheme for working age customers for 2020/21.

Financial implications	<p>Since 2013/14 the Local Council Tax Support (LCTS) scheme operates in a similar way to discounts, such as for empty properties or single person occupiers. Rather than being accounted for as a benefit cash payment, the council tax base is reduced. Whilst this has no impact for the individual council tax payer, a lower council tax base reduces the tax yield to this Council, Gloucestershire County Council, Gloucestershire Police Authority and town and parish Councils. To offset this impact, the Government paid a cash grant to all local authorities which was 10% less than the funding for the previous council tax benefit scheme. This funding was rolled in to revenue support grant from 2014/15 and has therefore been subject to further cuts.</p> <p>From 2018/19 this council no longer receives a revenue support grant and must fund its share of the cost of the scheme. Moving to the scheme based on income bands in 2019/20 has reduced the total cost of the scheme, based on the current caseload. The estimated savings can continue to be achieved with the introduction of the proposed changes to the scheme for 2020/21.</p> <p>Contact officer: Paul.jones@cheltenham.gov.uk, 01242 264365</p>
Legal implications	<p>The Welfare Reform Act 2012 abolished council tax benefit and instead required each authority to design a scheme specifying the reductions which are to apply to amounts of council tax.</p> <p>The Local Government Tax Support 'LCTS' scheme is required under Section 13A of the Local Government Finance Act 1992 ("the Act") (updated in 2012). The Act states that for each financial year, councils must consider whether to revise their LCTS scheme or replace it with another scheme. The prescribed regulations set out the matters that must be included in such a scheme. Before making any changes, under Section 40 of the Act, the Council must, in the following order:</p> <ol style="list-style-type: none"> 1. consult with any major precepting authorities 2. publish the draft scheme 3. consult other parties likely to have an interest in the scheme <p>If the Council does not make/revise a LCTS scheme by the prescribed deadline, a default scheme will be imposed on the Council which will be effective from April 2020.</p> <p>Contact officer: sarah.farooqi@tewkesbury.gov.uk 01684 272011</p>
HR implications (including learning and organisational development)	<p>There are none associated with this report</p>
Key risks	<p>See appendix 1</p>

<p>Corporate and community plan Implications</p>	<p>The proposals in this report help maintain financial sustainability in the light of ongoing reductions in income whilst ensuring we continue to protect the most vulnerable individuals and families by providing 100% support to those on the lowest income and the Discretionary Hardship Scheme</p>
<p>Environmental and climate change implications</p>	<p>None</p>
<p>Property/Asset Implications</p>	<p>There is nothing in this report which impacts on Council properties</p>

1. Background

- 1.1 Since 2013 the Council has been required to establish a Local Council Tax Support Scheme to help working age people on a low income pay their council tax. This scheme replaced the national Council Tax Benefit Scheme.
- 1.2 The Council is also required to administer, but cannot alter, the national council tax support scheme for pension age customers.
- 1.3 Council tax support is currently provided to approximately 6,000 households in Cheltenham at a cost of £5.6m. This includes working and pension age claimants. Nearly 4,000 of these households are of working age and the cost for these is £3.3m
- 1.4 The local council tax support scheme works in a similar way to other council tax discounts, the tax base is reduced meaning the cost is met by this council, Gloucestershire County Council, Gloucestershire Police Authority and the parish councils in proportion to the share of the council tax.
- 1.5 Funding received from Government for the local council tax support scheme in 2013/14 was cut by 10% compared to funding for the previous council tax benefit scheme. The contribution from Government towards the scheme since 2013/14 has been rolled in to the Revenue Support Grant and has continued to reduce in line with the other central funding cuts.
- 1.6 The local council tax support scheme from 2013/14 to 2018/19 in Cheltenham continued to mirror the previous council tax benefit scheme whilst the majority of Councils had reduced support.
- 1.7 On 10th December 2018 Full Council approved a revised council tax support scheme for 2019/20, based on income bands. At the time Cheltenham was one of only 36 councils out of 326 that were continuing to provide the level of support available under the former council tax benefit scheme.

2. 2019/20 Council Tax Support Scheme

- 2.1 The council tax support scheme for 2019/20 is based on income bands where households receive a percentage discount based on the level of income. The higher the household income the lower the percentage discount will be.
- 2.2 Since being introduced on 1st April 2019 the four main aims of this scheme, as summarised below are being achieved.
 1. Protect the most vulnerable individuals and families by continuing to provide 100% support to those on the lowest income

Approximately 2,700 customers in receipt of full council tax support continued to receive 100% from 1st April 2019.
 2. Provide some financial support to low income individuals and families, based on their level of income

Just over 1,000 customers received a reduced amount of council tax support from 1st April 2019 and 300 customers ceased to receive any support at all
 3. Minimise the number of changes to the amount of council tax support awarded as a result of monthly Universal Credit reassessments

In March 2019 1,283 Universal Credit notifications for council tax support purposes were received. 969 (76%) of these resulted in a change to the level of council tax support and revised council tax bills being issued.

In July 2019 the number of Universal Credit notifications received was 1,431. The number resulting in a change to the level of council tax support and revised council tax bills being issued was 488 (34%) which is a significant reduction.

4. Reduce the overall cost of the scheme to the taxpayer

On 31 March 2019 council tax support of just under £3.7m was being paid to 4,200 working age households. If the previous scheme had continued, after applying the 2019/20 council tax increase of 5.5%, the cost would have been over £3.9m on 1st April 2019. The actual cost of the revised scheme for working age customers on 1st April 2019 was just over £3.4m, a reduction of almost £500,000.

- 2.3 A Discretionary Hardship Relief Scheme was introduced alongside the council tax support scheme from April 2019 to provide assistance to those most adversely affected where there is severe financial hardship and/or exceptional circumstances.
- 2.4 To date fifteen applications for Hardship Relief have been received and relief totalling £2,150.00 has been awarded in respect of five cases. A further five cases have been referred back to the customer to provide more information. Three cases are currently being assessed for budgeting advice and support with CCP and two have been refused for not meeting the scheme requirements.
- 2.5 The circumstances of the fifteen applications vary and four of the five cases awarded were affected by the limited work capability allowance following their transition to Universal Credit.

3. Reasons for Recommendation

- 3.1 Each year the Council has to decide whether to make changes to its council tax support scheme for working age customers.
- 3.2 The Revenues and Benefits team have been monitoring the 2019/20 council tax support scheme and some further changes are being proposed. Consultation has been undertaken in respect of proposed changes to the council tax support scheme for working age claimants for 2020/21.

4. Consultation

- 4.1 The consultation on proposed changes to the council tax support scheme was undertaken from 5 August until 13 September 2019.
- 4.2 The consultation was made available on the Council's website with paper copies issued on request. During the consultation period it was promoted to benefit customers by the benefits team and flyers were issued daily with council tax bills and council tax support letters. It was also promoted by a link to the relevant page on the website on email communications to council tax payers and benefit customers.
- 4.3 122 people completed the consultation.
- 4.4 Of the 122 respondents, 93% were Cheltenham council tax payers with 24% being in receipt of

council tax support. More than 75% were working age and 63% were in employment. 13% were disabled. Less than 15% of the respondents were other than white British ethnicity.

- 4.5 Consultation was also undertaken with Gloucestershire County Council, Gloucestershire Police and the parish councils.
- 4.6 The responses to the consultation have been analysed and together with the income and household composition of the current council tax support caseload, have been used to design the proposed scheme.
- 4.7 An analysis of the consultation responses is in appendix 4. A summary of the responses is below with an explanation of how they have been factored in to the proposed scheme

Continuing to provide 100% support

Over 59% of respondents agreed that we should continue to provide 100% council tax support. Of those that answered no, the majority thought that support should be between 75% and 90%

The proposed scheme is based on providing up to 100% support

Change 2 – Increasing the income disregard for disabled children

75% of respondents agreed that we should increase the amount of income we disregard for each disabled child from £65 per week to £100 per week.

The proposed scheme includes the disregard at £100 per week

Disregarding Limited Work Capability allowance as income

Over 60% of respondents agreed that we should disregard the limited work capability allowance included in Universal Credit. Of those that answered no, the majority thought that support should be between 75% and 90%

The proposed scheme ignores the limited work capability allowance as income.

5. Proposed Council Tax Support Scheme for 2020/21

- 5.1 The draft council tax support scheme for 2020/21, as summarised in appendix 3, includes the changes proposed in the consultation which the majority of respondents were in favour of.
- 5.2 The scheme continues to be based on five income bands with the highest band providing support at 100% of the council tax liability, then reducing to 80%, 60%, 40% and 20% as household income increases.
- 5.3 Increasing the income disregard for each disabled child to £100 per week provides additional support to families with disabled children and ignoring the Limited Work Capability element will ensure customers continue to be protected when they transition to Universal Credit.
- 5.4 The income levels in each band are also being increased slightly. This will avoid a significant number of customers dropping to a lower band and losing a disproportionate amount of support due to moderate inflationary increases in pay or welfare benefits.
- 5.5 Based on the current caseload and 2019/20 council tax levels it is estimated that these changes will increase the cost of the scheme by approximately £90,000. Due to changes in caseload the savings from the scheme in 2019/20 have now exceeded £500,000 which is above the £420,000

originally estimated.

5.6 Adopting these changes will ensure the most vulnerable continue to be protected and will not increase the cost of the scheme above original estimates. These savings will continue to vary due to any fluctuation in caseload and increase in council tax levels.

5.7 A Community Impact Assessment (CIA) for the proposed scheme is in appendix 5..

6. Discretionary Hardship Relief Scheme

6.1 The discretionary hardship relief scheme will continue to be available to support customers with exceptional circumstances and/or financial hardship.

7. Alternative options considered

7.1 Not making any changes to the scheme has been considered but if the proposed changes are not adopted certain vulnerable groups will not receive the same level of council tax support when they move to Universal Credit.

8. Performance management – monitoring and review

8.1 The proposed scheme will be monitored closely by officers and will be reviewed before developing the scheme for 2021/22.

Report author	Contact officer: Jayne Gilpin, Head of Revenues and Benefits Jayne.gilpin@cheltenham.gov.uk, 01242 264323
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Draft scheme conditions for 2020/21 3. Summary of draft scheme 4. Consultation analysis and responses 5. Community impact assessment

Background information	<ol style="list-style-type: none"><li data-bbox="539 159 1436 264">1. The Local Government Finance Act 1992, amended by the Local Government Finance Act 2012 http://www.legislation.gov.uk/ukpga/2012/17/contents<li data-bbox="539 349 1436 454">2. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/2885/contents/made<li data-bbox="539 477 1436 611">3. The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 http://www.legislation.gov.uk/uksi/2017/1305/pdfs/uksi_20171305_en.pdf
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The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If a working age council tax support scheme is not approved it will not meet the legal requirements to have a scheme in place by 11 March 2020.	Jayne Gilpin	05/11/2019	2	1	2	Accept	Cabinet then Council approves the report recommendations	09/12/19	Jayne Gilpin	
2	If there is an increase in caseload the level of savings might not be achieved	Jayne Gilpin	05/11/2019	2	3	6	Accept and Monitor	Monitor the caseload on a monthly basis		Jayne Gilpin	
3	If claimants are unable to pay their increased council tax liability then council tax arrears will increase	Jayne Gilpin	05/11/2019	2	3	6	Accept and Monitor	Monitor council tax records for those affected. Communication with council tax payers at all stages.		Jayne Gilpin	

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

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Cheltenham Borough Council

Draft Local council tax support scheme for working age customers
S13A and Schedule 1A of the Local Government Finance Act 1992

2020/21

Details of support to be given for working age customers during the financial year 2020/21

Section 1 (Council tax support scheme)

1. Introduction to the council tax support banded income scheme

Sections 2-8 (Definitions and interpretation)

2. Interpretation – an explanation of the terms used within this scheme
3. Definition of non-dependant
4. Requirement to provide a National Insurance number
5. Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit
6. Remunerative work
7. Persons subject to immigration control – excluded from claiming under this scheme
8. Temporary absence (period of absence)

Section 9-11 (The family for council tax support purposes)

9. Membership of a family
10. Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person
11. Circumstances in which a child or young person is to be treated as being or not being a member of the household

Section 12-29 & Schedules 1 & 2 (Definition and treatment of income for council tax support)

12. Calculation of income and capital of members of applicant's family and of a polygamous marriage
13. Circumstances in which the capital and income of a non-dependant is to be treated as applicant's
14. Calculation of income on a weekly basis
15. Treatment of child care charges
16. Average weekly earnings of employed earners
17. Average weekly earnings of self-employed earners
18. Average weekly income other than earnings
19. Calculation of average weekly income from tax credits
20. Calculation of weekly income
21. Disregard of changes in tax, contributions, etc.
22. Earnings of employed earners

- 23. Calculation of net earnings of employed earners
- 24. Earnings of self-employed earners
- 25. Calculation of net profit of self-employed earners
- 26. Deduction of tax and contributions of self-employed earners
- 27. Calculation of income other than earnings
- 28. Capital treated as income
- 29. Notional income

Sections 30-39 & Schedule 4 (Definition and the treatment of capital for council tax support)

- 30. Capital limit
- 31. Calculation of capital
- 32. Disregard of capital of child and young person
- 33. Income treated as capital
- 34. Calculation of capital in the United Kingdom
- 35. Calculation of capital outside the United Kingdom
- 36. Notional capital
- 37. Diminishing notional capital rule
- 38. Capital jointly held
- 39. Calculation of tariff income from capital

Section 40-53 (Definition and the treatment of students for council tax support)

- 40. Student related definitions
- 41. Treatment of students
- 42. Students who are excluded from entitlement to council tax support
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Council tax support scheme

Section 1

Details of support to be given to working age customers for the financial year 2020/21

1.0 Introduction to the council tax support scheme

1.1 The following scheme has been adopted by the Council on xx December 2019 in respect of the period 1st April 2020 – 31st March 2021.

1.2 This document details how the scheme will operate for working age customers and, in accordance with Section 13A of the Local Government Finance Act 1992, specifies who will be entitled to a reduction under the scheme, Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance Act 1992 (as amended) and is effective from 1 April 2019 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance Act 1992 (as amended).

The Council has **no** discretion in relation to the calculation of council tax support in respect of the pension age scheme other than the full disregard of war pension and war disablement pension and it is designed to provide broadly the same level of support provided within the previous (Council Tax Benefit) scheme.

1.4 Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

- a. has not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit and he/she or their partner, is a person on income support, on an income-based job seekers allowance, or on an income-related employment and support allowance.

1.5 The scheme shall not apply to any applicant who is subject to immigration control under Section 115 of the Immigration and Asylum Act 1999 and non-economically active EEA nationals.

1.6 To obtain support the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit;
- b. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- c. is not deemed to be absent from the dwelling;
- d. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- e. be somebody in respect of whom a maximum council tax reduction amount can be calculated;

- f. not have capital above £6,000;
- g. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's income falls into one of the income bands or the applicant or partner is in receipt of Income Support, Jobseekers Allowance (income based) or Employment and Support Allowance (income related); and
- h. have made a valid application for support.

1.7 Applicants entitled to a maximum reduction under this scheme fall into the income band 1 percentage reduction less any non-dependant deductions. Applicants who fall into income band 1 are:

- a. applicants whose calculated weekly income, in accordance with this scheme, is within the income range for income band 1; or
- b. an applicant is in receipt of either;
 - (i) Income Support
 - (ii) Job Seeker's Allowance (Income Based)
 - (iii) Employment and Support Allowance (Income Related)

1.8 Any award of council tax support will be applied to the annual liability after any discounts and non-dependant deductions have been applied. The annual liability will be restricted to a council tax band E if the applicant lives in a property that has either a council tax band F, G or H. The reduction applied will be equal to a percentage of the liability. The percentage of support will be based on the income of the applicant and partner(s) according to the specified income bands.

1.9 The income bands are numbered 1 to 5 and apply to the income range and related percentage reduction. The income range is the combined income of the applicant and their partner(s). Where the combined weekly income falls on or within a range, then the related council tax support percentage is applied against the net annual liability calculated in 1.8 above. The income bands are:

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
	Income £				
Band 1	000.00 to 078	000.00 to 120	000.00 to 155	000.00 to 210	100%
Band 2	078.01 to 105	120.01 to 155	155.01 to 180	210.01 to 260	80%
Band 3	105.01 to 130	155.01 to 210	180.01 to 230	260.01 to 310	60%
Band 4	130.01 to 155	210.01 to 260	230.01 to 285	310.01 to 360	40%
Band 5	155.01 to 180	260.01 to 310	285.01 to 335	360.01 to 415	20%

Sections 2-8

Definitions and interpretation

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

2.1 In this scheme-

- 'the Act'** means the Social Security Contributions and Benefits Act 1992;
- 'the Administration Act'** means the Social Security Administration Act 1992;
- 'the 1973 Act'** means of Employment and Training Act 1992;
- 'the 1992 Act'** means the Local Government Finance Act 1992;
- 'the 2000 Act'** means the Electronic Communications Act 2000;

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

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

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

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

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

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

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

‘attendance allowance’ means-

- (a) an attendance allowance under Part 3 of the Act;
- (b) an increase of disablement pension under section 104 or 105 of the Act;
- (c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;
- (d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
 - (f) any payment based on need for attendance which is paid as part of a war disablement pension;

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

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

‘the Caxton Foundation’ means the charitable trust of that name established on 28 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 SCCBA;

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

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

‘claim’ means a claim for council tax support;

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

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

‘contributory employment and support allowance’ means an allowance under Part 1 of the Welfare Reform Act 2007(d) as amended by the provisions of schedule 3, and part 1 of the schedule 14, to the welfare reform Act 2012 9e) 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 the provisions”

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

‘council tax support scheme’ has the same meaning as **‘council tax reduction or reduction’**

‘council tax support’ means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

‘couple’ means;

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

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes;

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

‘designated authority’ means any of the following;

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

‘designated office’ means the office designated by the authority for the receipt of claims for council tax support;

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

‘disability living allowance’ means a disability living allowance under section 71 of the Act;

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

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

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

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

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

‘Employment and Support Allowance Regulations’ means the Employment and Support Allowance Regulations 2008;

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

‘the Employment, Skills and Enterprise Scheme’ means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes, etc) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

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

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

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

‘extended support’ means a payment of council tax support payable pursuant to section 60;

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

‘extended support (qualifying contributory benefits)’ means a payment of council tax support payable pursuant to section 61;

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

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

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

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

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

‘income band’ is the number allocated to the income range and related percentage;

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

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

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

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

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

‘Jobseekers Act’ means the Jobseekers Act 1995; **‘Jobseeker’s Allowance Regulations’** means Jobseeker’s Allowance Regulations 1996;

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

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

‘the London Bombing Relief Charitable Fund’ means the company limited by guarantee (number 5505072), and registered charity of that name established on 11 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 7 July 2005;

‘lone parent’ means a person who has no partner and who is responsible for 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 29 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) (No2) Trust’ means the trust of that name, established on 3 May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

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

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

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

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

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

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

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

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

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

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

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

‘non-dependant deduction’ means a deduction that is to be made under section 55;

‘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 leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

‘payment’ includes part of a payment;

‘pensionable age’ has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

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

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

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

‘personal independence payment’ has the meaning given by Part 4 of the Welfare Reform Act 2012;

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

‘personal pension scheme’ means-

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
- b. an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

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

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

‘qualifying contributory benefit’ means’

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

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

‘qualifying income-related benefit’ means

- (a) income support;
- (b) income-based job seeker’s allowance;
- (c) income-related employment and support allowance;

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

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

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

‘relevant authority’ means an authority administering council tax reduction;

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

‘remunerative work’ has the meaning prescribed in section 6;

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

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

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

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc); or
- (c) the Employment, Skills and Enterprise Scheme;

'Service user' means an applicant participating as a service user are to –

(a) a person who is being consulted by or on behalf of-

- (1) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
- (2) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

(b) the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph”

'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25 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.

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

'student' has the meaning prescribed in section 43;

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

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

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

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

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

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

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

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

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012;

‘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;

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

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

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

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

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

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

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

2.5 For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

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

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

3.0 Definition of non-dependant

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

3.2 This paragraph applies to;

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

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

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

4.0 Requirement to provide a National Insurance number

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

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

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

application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Section 4.2 shall not apply-

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

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

5.1 This scheme for working age applicants still applies to a person in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit.

5.2 This scheme applies to a person if;

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

6.0 Remunerative work

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

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

- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

6.3 Where, for the purposes of section 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in section 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.

- 6.6 A person on income support, an income-based job seeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.
- 7.0 Persons subject to Immigration Control – excluded from claiming under this scheme persons treated as not being in Great Britain**
- 7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- 7.2 Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with;
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC;
 - (aa) regulation 14 of the EEA regulations, but only in a case where the right exists under that regulation because the person is –
 1. a jobseeker for the purpose of the definition of “qualified person” in reg 6(1) of those regulations or
 2. a family member (within the meaning of reg 7 of those regulations) of such a jobseeker;
 - (ab) Article 45 of the Treaty on the functioning of the European Union (a) (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);
 - (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 employment of their rights as a European Union citizen).
- 7.5 A person falls within this sub-paragraph if the person is;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 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(b) where that leave is-
 - (1) discretionary leave to enter or remain in the United Kingdom,
 - (2) leave to remain under the Destitution Domestic Violence concession© which came into effect on 1st April 2012, or
 - (3) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary protection) Regulations 2005(d);
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- (h) in receipt of income support, or on an income related employment and support allowance;
- (ha) in receipt of an income based jobseekers allowance and has a right to reside other than a right to reside falling within paragraph (7.4);or
- (i) a person who is treated as a worker for the purpose of the definition of 2qualified person2 in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (immigration and Worker Authorisation) Regulations 2013(e) (right of residence of a croatian who is an “accession state national subject to worker authorisation”)

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

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

7.8 In this paragraph

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

‘EEA Regulations’ means the Immigration (European Economic Area) Regulations 2006:

Persons subject to immigration control

7.9 Subject to paragraph (1A)” persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme. “(1A) a person who is a national of a state which has ratified the European Convention on Social and medical Assistance(f) (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 purposes of paragraph (1)”

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

8.0 Temporary absence (period of absence)

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

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

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

- a. a period of absence not exceeding 4 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 4 weeks.

The family for council tax support purposes

9.0 Membership of a family

9.1 Within the council tax support scheme, 'family' means;

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

For the purposes of the scheme a child is further defined as a 'child or young person'

A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. Those conditions are:

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

9.2 Section 9.1 the definition of child or young person shall not apply to a person who is;

- a. on income support;
- b. an income-based jobseeker's allowance or an income-related employment and support allowance;
- c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.

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

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

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

- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of section 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.
- 10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.
- 11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household**
- 11.1 Subject to sections 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of the Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to section 11.4, section 11.1 shall not apply to a child or young person who is not living with the applicant and he-
- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom section 11.3a) applies as being a member of the applicant's household in any reduction week where;
- a. that child or young person lives with the applicant for part or all of that reduction week; and
 - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Sections 12 – 29

Definition and the treatment of income for council tax support purposes

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

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

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

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

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

Calculation of income and capital: persons who have an award of Universal Credit

- 12.4 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 of the income prior to any earnings disregard 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.

- 12.5 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) any sum to be disregarded under paragraphs of Schedule 1 to this scheme (sums to be disregarded in the calculation of earnings);
 - (b) any sum to be disregarded under paragraphs of Schedule 2 to this scheme (sums to be disregarded in the calculation of income other than earnings)

- 12.6 The amount for the award of Universal Credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

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

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

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

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

13.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under section 13.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

14.0 Calculation of income on a weekly basis

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

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in section 15.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

14.2 The conditions of this paragraph are that;

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

14.3 The maximum deduction to which section 14.1 c) above refers shall be;

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

14.4 For the purposes of section 14.1 'income' includes capital treated as income under section 28 (capital treated as income) and income, which an applicant is treated as possessing under section 29 (notional income).

15.0 Treatment of child care charges

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

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

- c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or a sentence).

15.2 For the purposes of section 15.1 and subject to section 15.4, a person to whom section 15.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he-

- a. is paid statutory sick pay;
- b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
- c. is paid an employment and support allowance;
- d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
- e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

15.3 This paragraph applies to a person who was engaged in remunerative work immediately before

- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- b. the first day of the period in respect of which earnings are credited, as the case may be.

15.4 In a case to which section 15.2 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.

15.5 Relevant child care charges are those charges for care to which sections 15.6 and 15.7 apply, and shall be calculated on a weekly basis in accordance with section 15.10.

15.6 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.

15.7 The charges are paid for care, which is provided by one, or more of the care providers listed in section 15.8 and are not paid-

- a. in respect of the child's compulsory education;
- b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
- c. in respect of care provided by a relative of the child wholly or mainly in the child's home.

15.8 The care to which section 15.7 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 by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
- c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or

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

15.9 In sections 15.6 and 15.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

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

15.11 For the purposes of section 15.1 c) the other member of a couple is incapacitated where

- a. the support component or the work-related activity component on account of his having limited capability for work
- b. the other member is treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the other member is treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances-
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;

- iv. disability living allowance under section 71 of the Act;
- v. personal independence payment under Welfare Reform Act 2012;
- vi. an AFIP;
- vii. increase of disablement pension under section 104 of the Act;
- viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii) (iv) or (v) above;
- ix. main phase employment and support
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005;
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

15.12 For the purposes of section 15.11 once section 15.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

15.13 For the purposes of section 15.11, once section 15.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

15.14 For the purposes of sections 15.6 and 15.8 a), a person is disabled if he is a person-

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

15.15 For the purposes of section 15.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in section 15.16 ('the relevant period') provided that-

- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- b. the applicant is incurring relevant child care charges within the meaning of section 15.5; and

- c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

15.16 For the purposes of section 15.15 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on-

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

whichever shall occur first.

15.17 In sections 15.15 and 15.16

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

16.0 Average weekly earnings of employed earners

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

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 16.1a i) or ii) applies; where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

16.2 Where the applicant has been in his employment for less than the period specified in section 16.1a)(i) or (ii)

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

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

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

17.0 Average weekly earnings of self-employed earners

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

17.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 24 and 25 of this scheme.

18.0 Average weekly income other than earnings

18.1 An applicant's income which does not consist of earnings shall, except where section 15.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 2 of this scheme.

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

18.3 For the purposes of this section income other than earnings shall be calculated in accordance with sections 27 to 29 of this scheme.

19.0 Calculation of average weekly income from tax credits

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

19.2 Where this sections applies, the period over which a tax credit is to be taken into account shall be the period set out in section 19.3

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

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

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

20.0 Calculation of weekly income

20.1 For the purposes of sections 16 (average weekly earnings of employed earners); 18 (average weekly income other than earnings) and 19 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

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

20.2 For the purpose of section 17 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

21.0 Disregard of changes in tax, contributions, etc

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

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

22.0 Earnings of employed earners

22.1 Subject to section 22.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes-

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of-
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68, or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

22.2 Earnings shall not include-

- a. subject to section 22.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension;
- d. any payment in respect of expenses arising out of the applicant's participation as a service user.

22.3 Section 22.2a) shall not apply in respect of any non-cash voucher referred to in section 22.1m).

23.0 Calculation of net earnings of employed earners

23.1 For the purposes of section 16 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to section 23.2, be his net earnings.

23.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in Schedule 1.

23.3 For the purposes of section 23.1 net earnings shall, except where section 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- a. any amount deducted from those earnings by way of
 - (i) income tax;
 - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with section 23.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

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

23.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined-

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

23.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 16 (average weekly earnings of employed earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less-

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

24.0 Earnings of self-employed earners

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- 24.1 Subject to section 24.2, 'earnings' in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 24.2 'Earnings' shall not include any payment (in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.
- 24.3 This paragraph applies to-
- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - b. any payment in respect of any-
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.
- 24.4 Where the applicant's earnings consist of any items to which section 24.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by
- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 1 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.
- 25.0 Calculation of net profit of self-employed earners**
- 25.1 For the purposes of section 17 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be
- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less-
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with section 25.11 in respect of any qualifying premium.
- 25.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph Schedule 1.
- 25.3 For the purposes of section 25.1a) the net profit of the employment must, except where section 25.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less
- a. subject to sections 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - b. an amount in respect of;
 - (i) income tax, and

- (ii) national insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with section 25.11 in respect of any qualifying premium.

25.4 For the purposes of section 25.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to sections 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

25.5 Subject to section 25.6 no deduction shall be made under section 25.3a or 25.4, in respect of-

- a. any capital expenditure;
- b. the depreciation of any capital asset;
- c. any sum employed or intended to be employed in the setting up or expansion of the employment;
- d. any loss incurred before the beginning of the assessment period;
- e. the repayment of capital on any loan taken out for the purposes of the employment;
- f. any expenses incurred in providing business entertainment, and
- g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.

25.6 A deduction shall be made under section 25.3a) or 25.4 in respect of the repayment of capital on any loan used for-

- a. the replacement in the course of business of equipment or machinery; and
- b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;

25.7 The authority shall refuse to make deduction in respect of any expenses under section 25.3a) or 25.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

25.8 For the avoidance of doubt-

- a. deduction shall not be made under section 25.3a) or 25.4 in respect of any sum unless it has been expended for the purposes of the business;
- b. a deduction shall be made thereunder in respect of-
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment

25.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- a. income tax; and
- b. National Insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with section 25.1 in respect of any qualifying contribution

25.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

25.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

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

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

26.0 Deduction of tax and contributions of self-employed earners

26.1 The amount to be deducted in respect of income tax under section 25.1b)i), 25.3b)i) or 25.9a)i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

26.2 The amount to be deducted in respect of national insurance contributions under sections 25.11b)i); 25.3b)ii) or 25.9a) shall be the total of-

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

26.3 In this section 'chargeable incomes' means-

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under section (25.3)(a) or, as the case may be, (25.4) of section 25;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

27.0 Calculation of income other than earnings

27.1 For the purposes of section 18 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to sections 24.2 to 24.4, be his gross income and any capital treated as income under section 28 (capital treated as income).

27.2 There is to be disregarded from the calculation of an applicant's gross income under section 27.2, any sum, where applicable, specified in Schedule 2.

27.3 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 section 27.1 shall be the gross amount payable.

27.4 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.

27.5 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 section 21.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

27.6 In section 27.5 'tax year' means a period beginning with 6 April in one year and ending with 5 April in the next.

27.7 Section 27.8 and 27.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

27.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of section 27.1 in respect of a person to whom section 27.7 applies, shall be calculated by applying the formula-

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

D

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under section 48.5.

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

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under section 48.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

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

27.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of section 27.1 in respect of a person to whom section 27.8 applies, shall be calculated by applying the formula in section 27.8 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 section 48.5.

27.10 In this section-'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 40 to 42, '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;

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

'relevant payment' means either a student loan or an amount intended for the maintenance of dependants referred to in section 43.7 or both.

27.11 For the avoidance of doubt there shall be included as income to be taken into account under section 27.1

- a. any payment to which section 22.2 (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 section 3 of Schedule 8 to the Immigration and Asylum Act 1999.

28.0 Capital treated as income

28.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with sections 28 to 39 of this scheme exceeds £6,000, be treated as income.

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

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

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

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

29.0 Notional Income

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

29.2 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 section 46(2)(a) of Schedule 4 (capital to be disregarded) applies which is administered in the way referred to in section 46(1)(a);
- e. any sum to which section 47(a) of Schedule 4 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or

- h. working tax credit;
 - i. any sum to which section 29.11 applies;
- any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

29.3 Any payment of income, other than a payment of income specified in section 29.4 made-

- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-section 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;
 - b. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of that family.

29.4 Section 29.3 shall not apply in respect of a payment of income made-

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

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

29.6 Subject to section 29.7, where-

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

29.7 Section 29.6 shall not apply-

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

29.8 In section 29.7(c) 'work placement' means practical work experience which is not undertaken in expectation of payment

29.9 Where an applicant is treated as possessing any income under any of section 29.1 to 29.5, the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

29.10 Where an applicant is treated as possessing any earnings under section 29.6 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 23 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he treated as possessing, less;

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

29.11 Sections 29.1, 29.2, 29.3 and 29.6 shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation as a service user.

Sections 30 - 39

Definition and the treatment of capital for council tax support purposes

30.0 Capital Limit

30.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support shall be granted when the applicant has an amount greater than this level.

31.0 Calculation of capital

31.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to section 31.2, be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 33 (income treated as capital).

31.2 There shall be disregarded from the calculation of an applicant's capital under section 31.1, any capital, where applicable, specified in Schedule 4.

32.0 Disregard of capital of child and young person

32.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

33.0 Income treated as capital

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

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

33.3 Any holiday pay which is not earnings under section 22(1)(d) (earnings of employed earners) shall be treated as capital.

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

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

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

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

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

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

34.0 Calculation of capital in the United Kingdom

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

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

35.0 Calculation of capital outside the United Kingdom

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

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such 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.

36.0 Notional capital

36.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 37 (diminishing notional capital rule).

36.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which section 46(2)(a) of Schedule 4 (capital to be disregarded) applies which is administered in the way referred to in section 46(1)(a); or
- (f) any sum to which section 47(a) of Schedule 4 refers; or
- (g) child tax credit; or
- (h) working tax credit,

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

36.3 Any payment of capital, other than a payment of capital specified in section 36.4, made

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

case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- 36.4 Section 36.3 shall not apply in respect of 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 to the London Bombing Relief Charitable Fund;
 - (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme
 - (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (d) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where-
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 36.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such case
- a. the value of his holding in that company shall, notwithstanding section 31 (calculation of capital) be disregarded; and
 - b. he shall, subject to section 36.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- 36.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under section 36.5 shall be disregarded.
- 36.7 Where an applicant is treated as possessing capital under any of sections 36.1 to 36.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital which he does possess.
- 37.0 Diminishing notional capital rule**
- 37.1 Where an applicant is treated as possessing capital under section 36.1 (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 section 37.2 are satisfied;
 - or

- (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under section 37.3;
- b. in the case of a week in respect of which section 37.1(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 section 37.4 is satisfied, shall be reduced by the amount determined under section 37.4

37.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the condition that

- a. he is in receipt of council tax support; and
- b. but for section 36.1, he would have received an additional amount of council tax support in that week.

37.3 In a case to which section 37.2 applies, the amount of the reduction for the purposes of section 37.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-section 37.2(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 section 37.2 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 section 37.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which section 37.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

37.4 Subject to section 37.5, for the purposes of section 37.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for section 36.1, and in such a case the amount of the reduction shall be equal to the aggregate of

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

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

- b. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- c. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7;

37.5 The amount determined under section 37.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in section 37.6 are satisfied, and in such a case-

- a. sub-paragraphs (a) to (d) of section 37.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to section 37.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

37.6 The conditions are that

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under section 36.1;
 - (ii) in a case where there has been at least one re-determination in accordance with section 37.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- b. the applicant would have been entitled to council tax support but for section 36.1

37.7 The amount as re-determined pursuant to section 37.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

37.8 For the purposes of this section

- a. 'part-week'
 - (i) in section 37.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in section 37.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in section 37.4(c), (d) and (e) means-
- aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1

- (i) was first taken into account for the purposes of determining his entitlement to council tax reduction; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to the council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;
and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

38.0 Capital jointly held

38.1 Except where an applicant possesses capital which is disregarded under section 36(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

39.0 Calculation of tariff income from capital

39.1 No tariff income will be applied.

Sections 40 - 53

Definition and the treatment of students for council tax support purposes

40.0 Student related definitions

40.1 In this scheme the following definitions apply;

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

'access funds' means;

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

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

‘contribution’ means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- b. any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder’s expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder’s parents;
 - (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
 - (iii) 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 education authority as defined in section 12 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 Island, Isle of Man or any other country outside Great Britain;

‘full-time course of study’ means a full time course of study which;

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

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

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

'grant income' means

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

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

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

'period of study' means-

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

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

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

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

'sandwich course' has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland) Regulations 2007 or regulations 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 Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- b. except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the

student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;

- d. in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

‘student’ means a person, other than a person in receipt of a training allowance, who is attending or undertaking-

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

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

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

- a. in the case of 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.

40.3 For the purposes of sub-paragraph (a) of section 40.2, the period referred to in that sub-paragraph shall include;

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

41.0 Treatment of students

41.1 The following sections relate to students who claim council tax support

42.0 Students who are excluded from entitlement to council tax support

42.1 Students (except those specified in section 42.3) are not able to claim council tax support under the Council’s support scheme.

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

42.3 Section 42.2 shall not apply to a student

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

- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (ii) in respect of whom
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

For the purposes of section 42.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

42.4 For the purposes of section 42.3, once section 42.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

42.5 In section 42.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

42.6 A full-time student to whom sub-paragraph (i) of section 42.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

42.7 Section 42.2 shall not apply to a full-time student for the period specified in section 42.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in section 42.8.

42.8 The period specified for the purposes of section 42.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

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

43.0 Calculation of grant income

43.1 The amount of a student's grant income to be taken into account shall, subject to sections 43.2 and 43.3, be the whole of his grant income.

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

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant;
- (i) of higher education bursary for care leavers made under Part 111 of the Children Act 1989.

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

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

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

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

43.5 Subject to sections 43.6 and 43.7, a student's grant income shall be apportioned;

- (a) subject to section 43.8, 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.

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

43.7 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 section 43.6 nor section 47 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

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

44.0 Calculation of covenant income where a contribution is assessed

44.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to section 44.3, the amount of the contribution.

44.2 The weekly amount of the student's covenant shall be determined-

- (a) by dividing the amount of income which falls to be taken into account under section 44.1 by 52 or 53, whichever is reasonable in the circumstances;

44.3 For the purposes of section 44.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under section 43.2(g) (calculation of grant income) falls short of the amount specified in section 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

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

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

- (a) any sums intended for any expenditure specified in section 43.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under section 43.2(f) and 43.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income.

45.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of section 45.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under section 43.2 (a) to (e); and
- (b) the amount to be disregarded under section 45.1(c) shall be abated by an amount equal to the amount of any sums disregarded under section 43.2(f) and (g) and 43.3.

46.0 Student Covenant Income and Grant Income – non disregard

46.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 2 to this scheme.

47.0 Other amounts to be disregarded

47.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in section 43.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under sections 43.2 or 43.3, 44.3, 45.1(a) or (c) or 48.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

48.0 Treatment of student loans

48.1 A student loan shall be treated as income.

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

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

(ii) the reduction week, the first day of which coincides with, or immediately follows, the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course; and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

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

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

48.4 Where a student is treated as possessing a student loan under section 48.3, the amount of the student loan to be taken into account as income shall be, subject to section 48.5

- (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.

48.5 There shall be deducted from the amount of income taken into account under section 48.4

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

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

49.0 Treatment of fee loans and treatment of payments from access funds

49.1 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 income.

49.2 This paragraph applies to payments from access funds that are not payments to which section 52.2 or 52.3 (income treated as capital) applies.

49.3 A payment from access funds, other than a payment to which section 49.4 applies, shall be disregarded as income.

49.4 Subject to section 49.5 of this section and section 35 of Schedule 2,

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

49.5 Where a payment from access funds is made-

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

50.0 Disregard of contribution

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

51.0 Further disregards of student's income

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

52.0 Income treated as capital

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

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

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

53.0 Disregard of changes occurring during summer vacation

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

Sections 54 - 65

The calculation and amount of council tax support

54.0 Maximum council tax support

54.1 Subject to sections 54.2 to 54.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act. The annual liability will also be restricted to a council tax band E if the applicant lives in a property that has either a council tax band F, G or H.
- (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 55 (non-dependant deductions).

54.2 In calculating a person's maximum council tax support 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.

54.3 Subject to section 54.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom section 42.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with section 54.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

54.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, section 54.3 shall not apply in his case.

55.0 Non-dependant deductions

55.1 Subject to the following provisions of this section, the non-dependant deductions in respect of a day referred to in section 54 (maximum council tax support) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £11.55 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £3.80 x 1/7.

55.2 In the case of a non-dependant aged 18 or over to whom section 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is-

- (a) less than £196.95, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £196.95, but less than £341.40, the deduction to be made under this section shall be £7.65
- (c) not less than £341.40, but less than £424.20, the deduction to be made under this section shall be £9.65;

55.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

55.4 In applying the provisions of section 55.2 in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

55.5 Where in respect of a day-

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouse and civil partners); and
- (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

55.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is-

- (a) blind or treated as blind; or
- (b) receiving in respect of himself

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- (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
- (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
- (c) 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);
- (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

55.7 No deduction shall be made in respect of a non-dependant if;

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of section 44.0 (Students); or
- (d) he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - (i) 'patient' has the meaning given within this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

55.8 No deduction shall be made in respect of a non-dependant;

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (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. – earned income has the meaning given in regulation 52 of the Universal Credit regulations 2013(a)

55.9 In the application of section 55.2 there shall be disregarded from his weekly gross income-

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

56.0 Extended support

56.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to extended support 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;
- (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.

56.2 For the purpose of section 56.1c, 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.

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

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

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in section 56.1(b).

56.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, the regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

57.0 Duration of extended support period

57.1 Where an applicant is entitled to a support reduction, the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

57.2 For the purpose of section 57.1, 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.

57.3 The extended support 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 support is payable has no liability for council tax, if that occurs first.

58.0 Amount of extended support

58.1 For any week during the extended support period the amount of the extended support payable to an applicant shall be the higher of-

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;

- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 56 (extended support) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 56 did not apply to the applicant.

58.2 Section 58.1 does not apply in the case of a mover.

58.3 Where an applicant is in receipt of extended support under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

59.0 Extended support – movers

59.1 This section applies;

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

59.2 The amount of the extended support payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

59.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

59.4 Where-

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of extended support from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support until the end of the extended support period.

60.0 Relationship between extended support and entitlement to council tax support under the general conditions of entitlement

60.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in section 56(b), that award will not cease until the end of the extended support period.

60.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended support payable in accordance with section 58.1(a) or 59.2 (amount of extended support – movers).

61.0 Extended support (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended support (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or

- (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last support week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

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

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in section 61.1(b).

62.0 Duration of extended support period (qualifying contributory benefits)

62.1 Where an applicant is entitled to extended support (qualifying contributory benefits), the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

62.2 For the purpose of section 62.1, 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.

62.3 The extended support 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 support (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

63.0 Amount of extended support (qualifying contributory benefits)

63.1 For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 61 (extended reductions (qualifying contributory benefits) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

63.2 Section 63.1 does not apply in the case of a mover.

63.3 Where an applicant is in receipt of extended support (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

64.0 Extended support (qualifying contributory benefits) – movers

- 64.1 This section applies;
(a) to a mover; and
(b) from the Monday following the day of the move.
- 64.2 The amount of the extended support (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
- 64.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the appropriate authority to-
- the second authority; or
the mover directly.
- 64.4 Where
- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
(b) the mover, or the mover's partner, is in receipt of extended support (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support (qualifying contributory benefits) until the end of the extended support period.
- 65.0 Relationship between extended support (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement**
- 65.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in section 61.1(b) that award will not cease until the end of the extended support period.
- 65.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with section 63.1(a) or 64.2 (amount of extended support – movers).

Sections 66 - 67

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

- 66.0 Date on which entitlement is to begin**
- 66.1 Subject to section 66.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the week following the date on which that claim is made or is treated as made.
- 66.2 Where a person is otherwise entitled to council tax support 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 that week in which his claim is made or is treated as made, he shall be so entitled from that week.
- 67.0 Date on which change of circumstances is to take effect**

- 67.1 Except in cases where section 21 (disregards of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefits Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.
- 67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same week would, but for this paragraph, take effect in different weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Section 68 - 75

Claiming and the treatment of claims for council tax support purposes

68.0 Making an application

- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act; and;
- (a) a deputy has been appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or

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

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may, if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

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

69.2 An application may be made;

- (a) in writing,
- (b) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

- 69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.
- (2) The form must be provided free of charge by the authority for the purpose.

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

- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
- the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

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

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

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

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

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

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

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

- (1) Where an applicant;

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
 - (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),
- the application is to be treated as made on the date determined in accordance with sub-paragraph

- (2) That date is the latest of;

- a. the first day from which the applicant had continuous good cause;
- b. the day six months before the date the application was made;
- c. the day six months before the date when the applicant requested that the application should include a past period.

70.0 Date on which an application is made

70.1 (a) in a case where;

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of Universal Credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or Universal Credit was received,

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

- (b) in a case where;

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of Universal Credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where:
 - (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,the date of the death or the separation;
- (d) except where paragraph (c) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (e) in any other case, the date on which an application is received at the designated office.

70.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
- have been entitled to that allowance.

70.3 Where there is a defect in an 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 the application.

70.4 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.

70.5 The conditions are that-

- (a) where the authority receives the properly completed application, or the information requested to complete it, or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where an application is not on the approved form or further information requested by the authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

70.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

70.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;

- (a) in the case of an application made by;
 - (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
- (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 week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

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

71.0 Submission of evidence electronically

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

72.0 Use of telephone provided evidence

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

73.0 Information and evidence

73.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

73.2 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.

73.3 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.

73.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

73.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

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

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

73.7 This sub-paragraph applies to any of the following payments;

- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 58.9.

73.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

74.0 Amendment and withdrawal of application

74.1 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.

74.2 Where the application was made by telephone the amendment may also be made by telephone.

74.3 Any application amended is to be treated as if it had been amended in the first instance.

74.4 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.

74.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

- 74.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 74.7 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.
- 75.0 Duty to notify changes of circumstances**
- 75.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
(b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 75.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
(b) by telephone-
(i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
(ii) in any case or class of case where the authority determines that notice may be given by telephone; or
(c) by any other means which the authority agrees to accept in any particular case, within a period of one calendar month beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 75.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
(b) changes in the age of the applicant or that of any member of his family;
(c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 75.4 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.
- 75.5 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.
- 75.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax support scheme, 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.
- 75.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the effective date used by the authority will be the Monday of the week following the receipt of the notification.

Sections 76 - 83

Decisions, decision notices and awards of council tax support

76.0 Decisions by the authority

76.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

77.0 Notification of decision

77.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case where there is a reduction in the amount of council tax support payable, within 14 days of that decision or as soon as reasonably practicable thereafter.

77.2 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 75.1;
- (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.

77.3 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.

77.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

77.5 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.

77.6 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.

77.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

77.8 This sub-paragraph applies to-

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
 - (i) a deputy appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or

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

78.0 Time and manner of granting council tax support

78.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be appropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

78.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

78.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is sufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

78.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

79.0 Persons to whom support is to be paid

79.1 Subject to section 81 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

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

80.0 Shortfall in support

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

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

81.0 Payment on the death of the person entitled

81.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the support which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

82.0 Offsetting

82.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

83.0 Payment where there is joint and several liability

83.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulations 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,

it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

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

83.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

Sections 84 - 87

**Collection, holding and forwarding of information
for council tax support purposes**

84.0 Use of information from and to the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC)

84.1 The authority will use information provided by the DWP and HMRC for the purposes of council tax support, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012.

84.2 Where required by the relevant department and where required by law, the authority will share information obtained for council tax support with the DWP or HMRC as appropriate.

85.0 Collection of information

85.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from-

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

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

86.0 Recording and holding information

86.1 The authority may

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

87.0 Forwarding of information

87.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax support to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax support.

Sections 88 - 91

**Revisions, written statements, termination
of council tax support**

88.0 Persons affected by decisions

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

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or, as the case may be, receive benefit or support on his behalf,

- (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

89.0 Revisions of decisions

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

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

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

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

90.0 Written statements

90.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to council tax support. The request must be received within one month of the date of notification being issued by the authority.

91.0 Terminations

91.1 The authority may terminate support in whole or in part the council tax support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to council tax support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

91.2 The authority may terminate, in whole or in part the council tax support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to council tax support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for council tax.

Section 92

Appeals against the authority's decisions

92.0 Procedure by which a person may make an appeal against certain decisions of the authority

92.1 A person who is aggrieved by a decision of the authority, which affects;

- (a) the person's entitlement to a reduction under its scheme, or

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(b) the amount of any reduction to which that person is entitled, may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

92.2 The authority must

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

92.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

Section 93

Procedure for applying for a discretionary reduction

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

93.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

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

93.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

Section 94 - 100

Electronic communication

94.0 Interpretation

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

95.0 Conditions for the use of electronic communication

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

- 95.2 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.
- 95.3 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.
- 95.4 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.
- 95.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 95.6 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.
- 95.7 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.
- 95.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

96.0 Use of intermediaries

- 96.1 The authority may use intermediaries in connection with;
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with the matters.

97.0 Effect of delivering information by means of electronic communication

- 97.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the condition imposed;
- (a) by this section; and
 - (b) by or under an enactment,
- are satisfied.
- 97.2 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).
- 97.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

98.0 Proof of identity of sender or recipient of information

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

99.0 Proof of delivery of information

- 99.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- 99.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- 99.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

100.0 Proof of content of information

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

Section 101

Counter fraud and compliance

101.0 Counter fraud and compliance

- 101.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to:
- a. Prevent and detect fraudulent claims and actions in respect of council tax support;
 - b. Carry out investigations fairly, professionally and in accordance with the law; and
 - c. Ensure that sanctions are applied in appropriate cases
- 101.2 The authority believes that is important to minimise the opportunity for fraud and;
- a. will implement rigorous procedures for the verification of claims for council tax support;
 - b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
 - c. will actively tackle fraud where it occurs in accordance with this scheme;
 - d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
 - e. will in all cases seek to recover all outstanding council tax.
- 101.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within section 101.1 and 101.2 can be carried out successfully.

Schedule 1

Sums to be disregarded in the calculation of earnings

1. Where the applicant is either single or one of a couple and a member of that couple is in employment, a maximum £10 weekly disregard will be applied to earnings.

Schedule 2

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

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
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. Any payment in respect of any expenses incurred or to be incurred by an applicant who is-
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 29.0 (notional income).
5. Any payment in respect of expenses arising out of the applicant's participation as a service user.
6. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
7. Where an applicant is on income support, an income-based job seeker's allowance or employment and support allowance (including income-based or those in the work related activity group or support group) the whole of his income.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on income-based jobseeker's allowance, the whole of the applicant's income.
9. Where the applicant, or the person who was the partner of the applicant on 31 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 5 April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
10. Any disability living allowance or personal independence payment or AFIP
11. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.

12. 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.
13. Any attendance allowance.
14. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
15. 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
 - (h) an Armed Forces Compensation Scheme payment.
16. Any payment made to the applicant by a child or young person or a non-dependant.
17. (1) Any payment made to the applicant in respect of a person who is a member of his family-
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowance 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 Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
18. 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).

19. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by-

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.

20. 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).

21. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

22. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to-

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
- (b) meet any amount due by way of premiums on-
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

23. Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
24. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund).
25. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
26. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
- (i) to that person's parent or step-parent, or
- (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of the two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil

partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

- (b) the payment is made either
- (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
- but only for a period of two years from the relevant date.

- (6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

27. Any housing benefit, the housing element and the limited work capability of Universal Credit. Where the assessment of Universal Credit includes a housing element and/or a limited work capability element, this will be disregarded from the Universal Credit award. The remaining award amount will then be treated as income.

28. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

29. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;

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

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

30. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

31. (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.

32. Any payment of child benefit.

Schedule 3

Disabled child additional disregard

1. An additional disregard of £100 per week will be applied to the total income of the claimant and partner(s) for each disabled child or young person whom the claimant or a partner is responsible and who is a member of the claimant's household. The child or young person -
 - (i) is in receipt of disability living allowance or is no longer in receipt of such allowance because they are a patient, provided that that the child or young person continues to be a member of the family, or
 - (ii) is blind or treated as blind, or
 - (iii) is a child or young person in respect of whom section 145A of the Act (entitlement to child benefit 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, or
 - (iv) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family, or
 - (v) is a young person who is in receipt of armed forces independence payment.

Schedule 4

Capital to be disregarded

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
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. 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.
5. 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.
6. Any premises occupied in whole or in part-
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
7. Where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
8. 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.

9. 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.
10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
- (2) The assets of any business owned in whole or in part by the applicant where-
- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;
- for a period of 26 weeks from the date on which the claim for council tax support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
- (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
- (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
11. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
- (b) an income-related benefit under Part 7 of the Act;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit
- (f) an income-related employment and support allowance
- but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.
- (g) Universal Credit regulations 2013(b)
- (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is
- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14 October 2001;
- sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.
- (2) For the purposes of sub-paragraph (2), 'the award of council tax support' 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.

- 12.** 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 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, replacements or improvement.
- 13.** Any sum-
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 14.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
- i. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 15.** Where the funds of a trust are derived from a payment made in consequence of a 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.
- 16.** (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).
- 17.** The value of the right to receive any income under a life interest or from a life rent.
- 18.** The surrender value of any policy of life insurance.
- 19.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

20. 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, of 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).
21. (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.
22. Any social fund payment made pursuant to Part 8 of the Act.
23. 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.
24. Any capital which, by virtue of sections 28 or 48 (capital treated as income, treatment of student loans) is to be treated as income.
25. 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.
26. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefits 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.
- (2) 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 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 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.
- (4) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

- 27.** (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.
- 28.** 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.
- 29.** 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.

30. 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.
31. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
32. The value of the right to receive an occupational or personal pension.
33. The value of any funds held under a personal pension scheme.
34. 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.
35. 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).
36. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used-
- (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made-
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
42. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
43. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
44. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
46. (1) 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.
47. 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.
48. Any payment to the applicant as holder of the Victoria Cross or George Cross.
49. 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.
50. (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.

- 51.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to-
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act;or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 52.** 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.
- 53.** 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.
- 54.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1 February 2001 in consequence of the imprisonment or interment of-
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner;
- by the Japanese during the Second World War, £10,000.
- 55.** (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;

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- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending-
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person-
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is 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 subparagraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending-
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attainswhichever is the latest.
- (5) In this paragraph, a reference to a person-
- (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph-
- 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jacob 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-Jacob disease for the benefit of persons eligible for payments in accordance with its provisions;

'trust payment' means a payment under a relevant trust.

- 56.** 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 died, during the Second World War.
- 57.** (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.
- 58.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 59.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 60.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 61.** Any payments to an applicant made under section 49 of the Children and Families Act 2014(a) (personal budgets and direct payments)

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Summary of council tax support scheme 2020-21

The council tax support scheme from 1 April 2020 for working age people will continue to be based on income bands.

The scheme will apply to working age people only who currently receive council tax support or apply in the future for help to have their council tax discounted. The new scheme will apply without exception from 1 April 2020.

It is important to note that changes to the council tax support scheme will not affect pensioners. These people are protected and their council tax support will continue to be awarded on the basis of the scheme prescribed by Central Government.

The following income bands will apply and the percentage of council tax support awarded will be 100%, 80%, 60%, 40% or 20% of the maximum eligible council tax.

There are different bands for single claimants, lone parents, couples and for people with children as illustrated below.

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
	Income £				
Band 1	000.00 to 078	000.00 to 120	000.00 to 155	000.00 to 210	100%
Band 2	078.01 to 105	120.01 to 155	155.01 to 180	210.01 to 260	80%
Band 3	105.01 to 130	155.01 to 210	180.01 to 230	260.01 to 310	60%
Band 4	130.01 to 155	210.01 to 260	230.01 to 285	310.01 to 360	40%
Band 5	155.01 to 180	260.01 to 310	285.01 to 335	360.01 to 415	20%

Claimants who receive Income Support, Job Seeker's Allowance (Income Based) or Employment and Support Allowance (Income Related) will fall into band 1 and will be entitled to up to 100% council tax support.

The income will be calculated, net of any allowable disregards and the if the income calculated falls into one of the following income bands, council tax support will be payable. If the net income exceeds the maximum income in band 5 then no council tax support will be payable.

Under the current council tax support scheme if a person has an income change of more than 5p a week their entitlement to support will change by just 1p per week. With the new scheme, if the income change results in the income remaining within a band, then no recalculation of the council tax support will take place.

For example, if a single person reports that their weekly income has increased from £112 to £123 per week, they will remain in Band 3 and the discount they will continue to receive is 60%.

Qualifying for council tax support

A person must have a council tax liability to be able to claim council tax support and the property must be occupied by the tax payer. Council tax support is a council tax discount and if awarded it will reduce a person's council tax payments. The level of discount awarded is based on the income and capital the claimant and partner has, whether they have dependent children or other grown ups living in the household, referred to as non dependants. Other factors such as certain expenses to assist with childcare payments, disabilities and whether a person falls into a group considered to require more support will also be taken into consideration.

Eligible Council Tax

The eligible council tax used in the calculation of council tax support will be the net amount payable, taking into account discounts already awarded, for a dwelling that is occupied.

The only exception to this is if the tax payer lives in a property that has an F, G or H banding. For people claiming council tax support, their maximum eligible council tax will be restricted to a band E and the maximum council tax support they can receive is 100% of the band E charge.

Capital limit

If a single person or couple claiming council tax support have over £6,000 in combined capital there will be no entitlement to council tax support and the full amount of council tax will be payable. There are no exceptions to this rule. An assumed income from savings will not be applied to capital less than £6,000.

Non dependant deductions

A non dependant is a person living in the council tax support claimant's home but they are not stated as a liable person on the council tax bill. They are normally a grown up child or an elderly relative living with the claimant. Deductions will normally be made from the eligible council tax for each non dependant living in the household. The deductions are based on the non dependant's gross income and whether they are working. The deductions and earnings bands are increased from 1 April each year.

A non dependant deduction will not be made if the claimant or their partner receives one of the following incomes:

- Attendance Allowance or Constant Attendance Allowance
- The daily living component of Personal Independence Payment
- The care component of Disability Living Allowance
- An armed forces independence payment

Or if the claimant or partner is severely sight impaired, blind or has recently regained sight.

Earned income disregards

A maximum weekly disregard of £10 will apply to the combined earnings of the claimant and partner. If both a claimant and their partner are working the earnings disregard will be £10 in total and will not be awarded per person.

Income disregards – child benefit

Child benefit for all children will be disregarded in full and will not be used in the income calculation.

Income disregards – maintenance in respect of a child

Maintenance payments received in respect of a child or children will be disregarded in full and will not be used in the income calculation, subject to qualifying conditions.

Income disregards - Housing Element (Universal Credit)

The housing costs element of a person's Universal Credit award will be disregarded in full.

* Please see examples at the end of this document.

Income disregards – other income

Under this scheme, as part of our ongoing commitment to support disabled people, the following incomes will continue to be disregarded and will not be used as income in the calculation of council tax support:

- Personal Independence Payment
- Attendance Allowance
- Constant Attendance Allowance
- Disability Living Allowance
- Limited Work Capability element of Universal Credit
- War Disablement Pension
- War Widow's Pension
- Christmas bonus paid by DWP
- Employment & Support Allowance – work related and support

Other disregards - childcare

To support incentives to work for those working over 16 hours, a weekly childcare disregard will be applied to earnings of up to a maximum of £175, where child care is paid for one child, or up to a maximum of £300 where childcare is paid for more than one child, subject to further qualifying conditions.

Other disregards - disabled child or children

An additional income disregard of £100 per week will be applied to household income for each child who:

- Is severely sight impaired, blind or has recently regained their sight, or
- Receives Personal Independence Payment or Disability Living Allowance

Absences abroad for up to four weeks

Council tax support will be paid during a temporary absence abroad providing that the period of the absence does not exceed four weeks. If the planned period of absence is greater than four weeks the claim for council tax support will end from the date of departure and the claimant will have to claim again following the return to their home address.

Backdating claims

A claim for council tax support can be backdated for a maximum period of six months from the date of the claim if the claimant can demonstrate a good reason for not having claimed sooner. The claimant must provide a written request for backdated council tax support and provide full reasons for the delay in claiming.

Discretionary Hardship Relief Scheme

The scheme may result in some claimants being adversely affected which may lead to hardship. As there is a need to protect the most vulnerable households, the Discretionary Hardship Relief scheme which falls within the local council tax support scheme, is designed to provide additional financial support to those tax payers who are facing either exceptional hardship or extraordinary circumstances. Subject to conditions a tax payer could be awarded a payment under the Council's Discretionary Hardship Relief scheme. An application will need to be made and it will be considered in accordance with the Council's policy.

* Examples relating to the disregard of the Housing Element within Universal Credit:

The housing costs element of a person's Universal Credit award will be disregarded in full up to the level of the Net UC award.

Example 1

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	317.92	Net UC Award	637.92
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £637.92 - £320.00 = £317.92.

Example 2

Where the UC award is subject to a managed payment direct to a landlord and this is included as an other adjustment, the Net UC award will be aggregated with the managed payment as follows:

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	317.92	Net UC Award	317.92
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	320.00
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £317.92 + £320.00 = £637.92 - £320.00 (Housing Element) = £317.92

Example 3

Sometimes the value of the Net UC Award and the managed payment will be less than the Housing Element. In these instances the Housing Element will be disregarded up to the value of the Net UC Award and the managed payment.

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	317.92	Net UC Award	181.19
Carer Element		Tariff Income	
Limited work capability		Household Earnings	724.81
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme will be £181.19 - £320.00 (Housing Element) = £NIL + £724.81 wages (less the standard earnings disregard).

* Example relating to the disregard of the Housing Element and Limited Work Capability element within Universal Credit:

Example 4

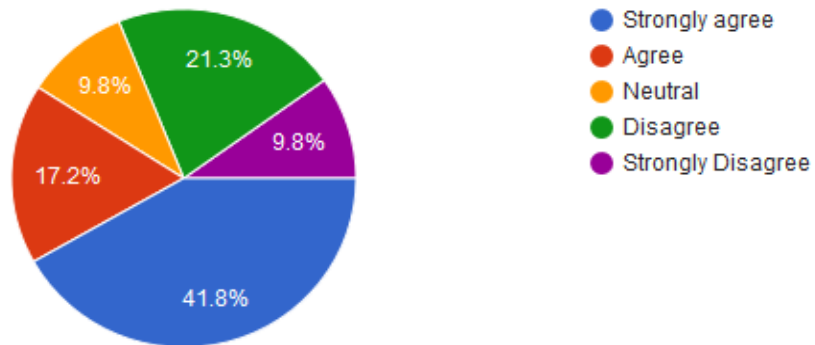
Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	317.92	Net UC Award	974.12
Carer Element		Tariff Income	
Limited work capability	336.20	Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is $£317.92 + £336.20 + £320.00 = £974.12 - £336.20$ (Limited Work Capability element) - $£320.00$ (Housing Element) = $£317.92$

These are the exceptions and all other elements of Universal Credit will be taken fully into account as income.

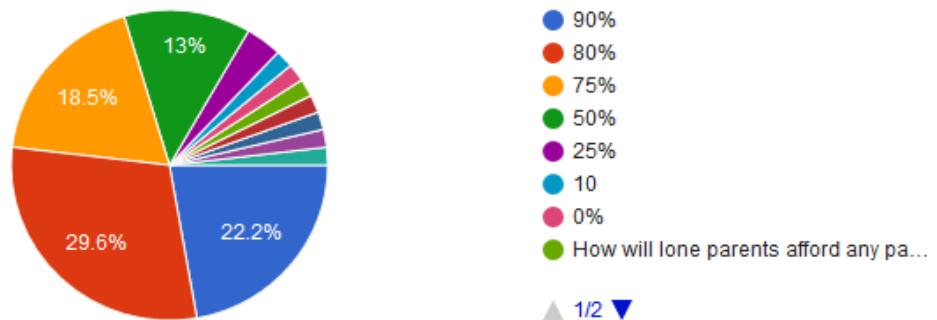
Under the current scheme a person can receive 100% council tax support and does not have to make any contribution towards their council tax payments. Do you think that people should continue to receive 100% help towards their council tax?

122 responses



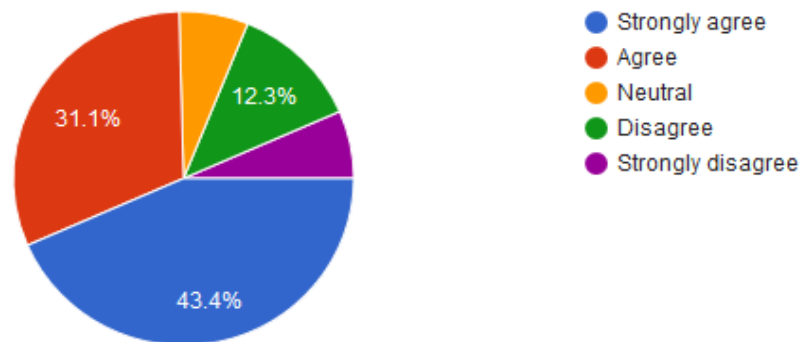
If you disagree or strongly disagree, what do you think the maximum amount of help should be?

54 responses



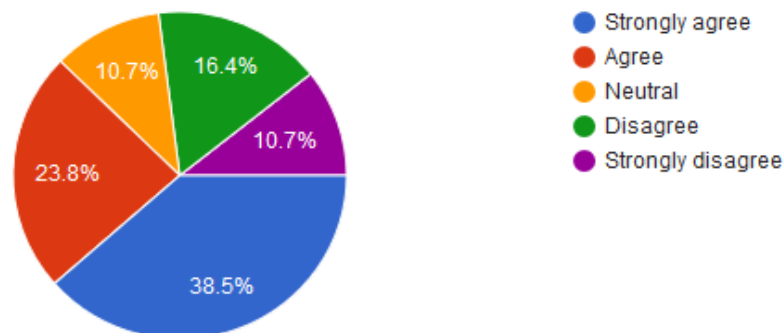
The current scheme ignores an additional £65 per week of household income where there is a disabled child in the family. This is £65 per week for each disabled child. We are proposing to increase this disregard to £100 per week in respect of each disabled child. Do you agree that this disregard should be increased for the purposes of calculating a person's weekly income?

122 responses



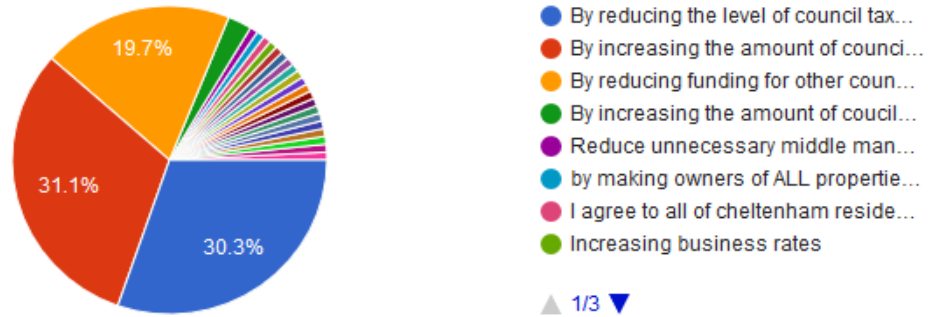
The current scheme fully takes into account a Limited Work Capability (LWC) payment as income. LWC is paid to those who are assessed as having a physical or mental condition which limits their capability to undertake a work related activity. We are proposing to no longer include LWC as income. Do you agree that this income should no longer be taken into account for the purposes of calculating a person's weekly income?

122 responses



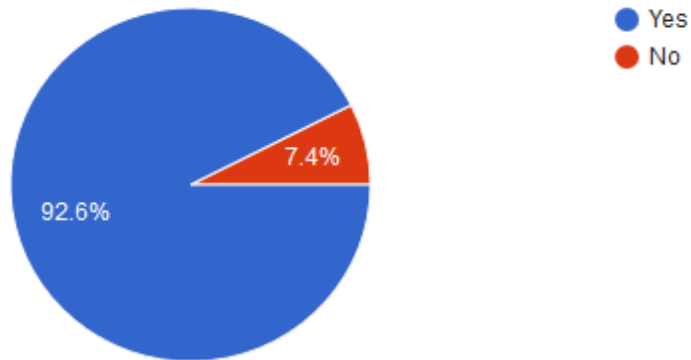
How do you think the council should continue to fund its council tax support scheme from April 2020?

122 responses



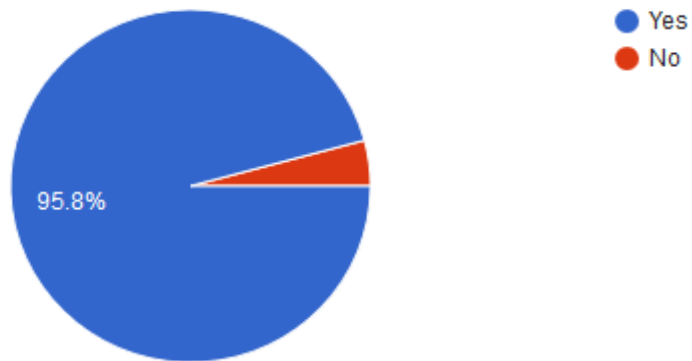
Are you a resident of the Cheltenham Borough area?

121 responses



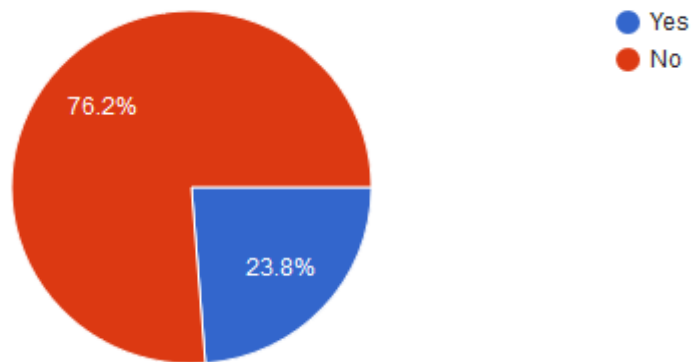
Are you registered for council tax?

120 responses



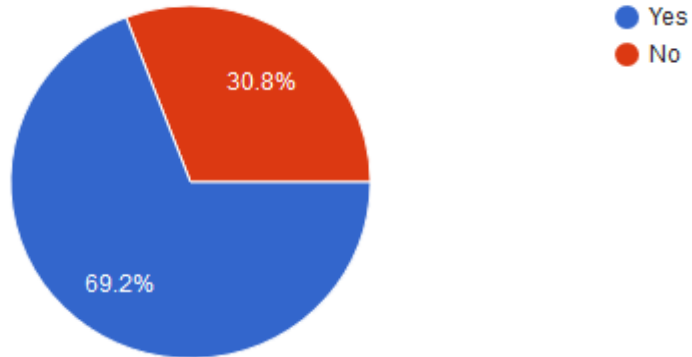
Do you currently receive council tax support?

122 responses



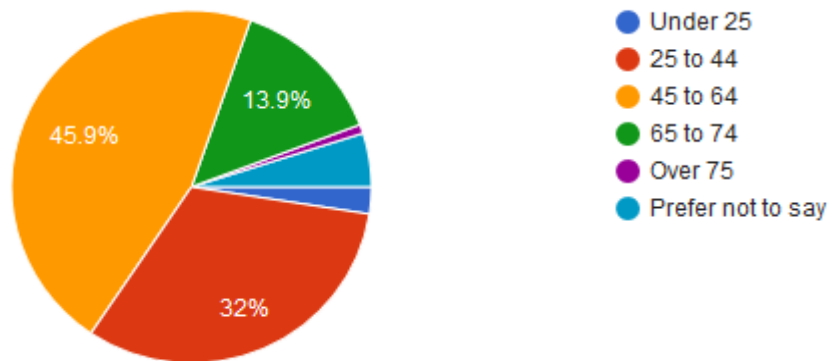
Are you in employment?

120 responses



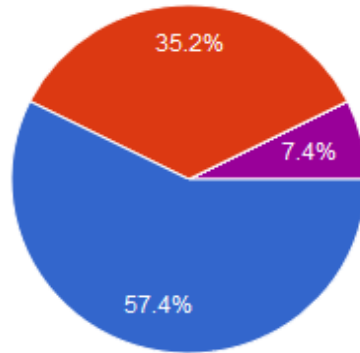
What is your age group?

122 responses



What is your gender?

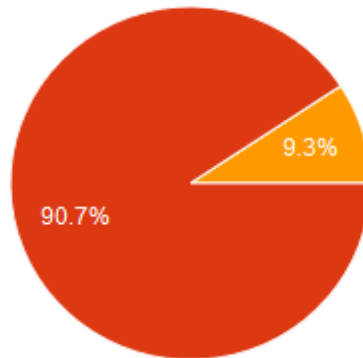
122 responses



- Female
- Male
- Non binary
- Prefer to self-describe
- Prefer not to say

Do you identify as trans?

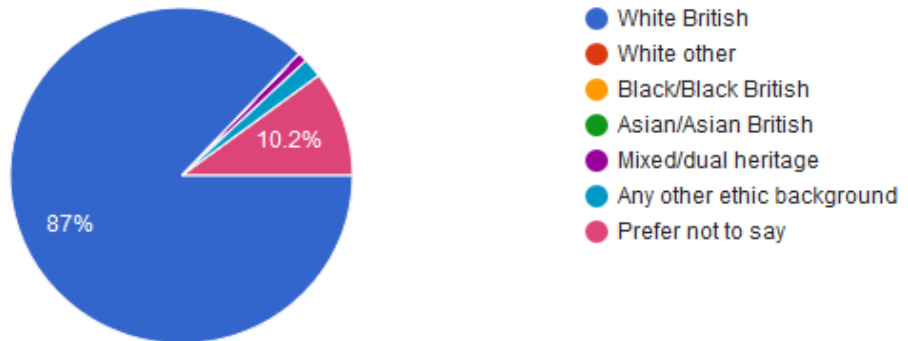
97 responses



- Yes
- No
- Prefer not to say

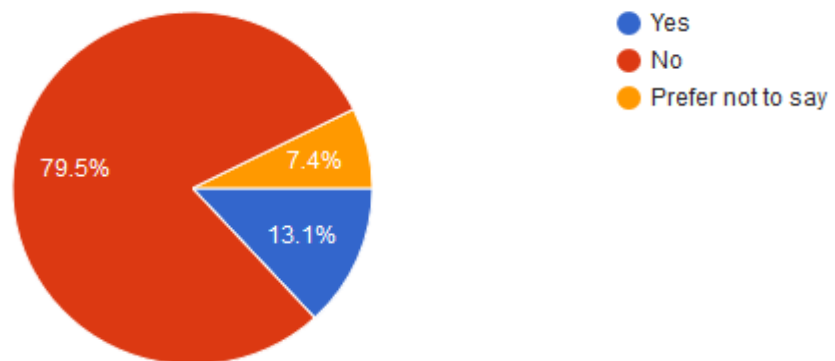
What is your ethnicity?

108 responses



Are you disabled?

122 responses



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Community impact assessments – for services, policies and projects

What is a community impact assessment?

A community impact assessment is an important part of our commitment to delivering better services for our communities. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our communities, as well as employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

Background

Name of service / policy / project and date	Revenues and Benefits. The service is making some minor adjustments to its Council Tax Support scheme from 1 April 2020. The changes being made to the existing scheme will have a positive financial impact on certain customers who receive support.
Lead officer	Jayne Gilpin, Head of Revenues and Benefits
Other people involved in completing this form	David Wyatt, Deputy Revenues and Benefits Manager

Step 1 - About the service / policy / project

<p>What is the aim of the service / policy / project and what outcomes is it contributing to</p>	<p>Council tax support is provided to around 6,000 households in Cheltenham at an annual cost of just over £5.6m. This includes working and pension age claimants. Approximately 60% of these households are of working age. The cost of the council tax support scheme is met by this council and the precepting authorities who are the county council and the police. The share of the cost is the same as the share of the council tax.</p> <p>Prior to April 2013, council tax payers on a low income could apply for council tax benefit to help pay their Council Tax. Under this national scheme and in accordance with the regulations, council tax payers could receive benefit of up to 100% of their council tax liability. The Council then received full funding from the government for all council tax benefit awards made.</p> <p>From April 2013, Councils became responsible for designing their own local council tax support (CTS) scheme for <u>working age people only</u>. The Government also reduced the funding given to Councils to pay for the scheme. Cheltenham Borough Council introduced its local council tax support scheme in April 2013 which more or less replicated the council tax benefit scheme. <u>Council tax support for pensioners was not localised and continues to be provided for by a national scheme.</u></p> <p>Each year the Council has to decide whether to make changes to the administration of its council tax support scheme for working age applicants in the borough. Since 2013-14 the funding received from Central Government to support the local working age scheme has continued to reduce in line with the other central funding cuts and is expected to continue to reduce over the coming years.</p> <p>From 1 April 2019, Cheltenham Borough Council introduced a revised local council tax support scheme which increased the contribution that some people receiving help must make towards their council tax bills. However, the Council is now in the position of considering further changes to the local council tax support scheme with effect from 1 April 2020.</p> <p>This year we have consulted on changes that could be made to the scheme from 1 April 2020. The aim of the service is to revise the council tax support scheme from 1 April 2020 by making minor adjustments that will have a positive financial outcome for some customers with disabilities and those with disabled children.</p>
<p>Who are the primary customers of the service / policy / project and how do they / will they benefit</p>	<p>It is important to note that any proposed changes to the council tax support will not affect pensioners. These people are protected and their council tax support will continue to be awarded on the basis of the scheme prescribed by Central Government.</p> <p>The changes will apply to working age people only who currently receive council tax support or apply in the future</p>

	<p>for help to have their council tax discounted. The new scheme will apply without exception from 1 April 2019.</p> <p>The working age customers who continue to require support or who claim council tax support in the future will provide evidence of their income and capital and the people living in their household. The level of income a person is determined to have will be derived from detailed scheme rules. Once the level of income has been derived, the band in which this income level falls will decide what level of support can be provided. There will be five income bands and the support provided will be either 20%, 40%, 60%, 80% or 100% of the charge.</p> <p>The amount of council support awarded is paid direct to the council tax account as a discount and the person then pays the reduced amount by instalments.</p>
<p>How and where is the service / policy / project implemented</p>	<p>The Revenues and Benefits service, based at the Municipal Offices provides the service to customers and the revised council tax support scheme will be implemented from there.</p>
<p>What potential barriers might already exist to achieving these outcomes</p>	<p>A draft council tax support scheme must be written, taking into account views from the public consultation, the views of the Cabinet Member for Finance and the financial forecasting that has been undertaken. Forecasting, utilising software provided by Civica Open Revenues, has been used to model a proposed scheme, identifying those who will be affected by introducing a revised scheme.</p> <p>The proposed scheme will be submitted to the November Cabinet for consideration. Subject to agreement, the scheme will be published in draft on the Council's web site and further comments invited. The final report and proposed scheme will be presented at Full Council in December 2019.</p>

Step 2 – What do you know already about your existing / potential customers

<p>What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information</p>	<p>Every applicant making a claim for council tax support provides the following personal information:</p> <ul style="list-style-type: none"> • the date of birth, sex and nationality of each person in the household • the income of each person in the household, including non-dependants (for example grown up children) • the capital of each person in the household • whether any person has a disability • whether the person is in a same sex relationship <p>The information obtained from the customer is not for statistical purposes. The information is obtained only to be able to determine a council tax support entitlement. No data is held on the system relating to:</p> <ul style="list-style-type: none"> • sexual orientation • ethnicity and/or race • religion or belief
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	<p>Information may be held, subject to the customer volunteering it on the following:</p> <ul style="list-style-type: none"> • pregnancy and/or maternity/paternity • gender reassignment
<p>What does it tell you about who uses your service / policy and those that don't?</p>	<p>People are accessing the service as they do not have enough household income to pay their council tax. The reason for claiming assistance is purely financial. There are no other advantages. It tells us that those who do not claim assistance and pay their council tax from their household income do not require the same level of financial support as those that do.</p> <p>The information and data held tells us the following information:</p> <ul style="list-style-type: none"> • the age of the customer and others in the household • the number of men and women claiming council tax support • the number of customers who have responsibility for a child or children • the number of people in the household • whether there are any disabilities • the household income • whether any capital is held
<p>What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?</p>	<p>No adverse feedback has been provided from consultation with customers and stakeholder groups.</p> <p>The service is made widely available to ensure that all members of the community can access it. Application forms are available and can be emailed or posted to customers. The application form is also available to be downloaded on line. A visiting service is provided for those customers who are unable to visit the council offices and require assistance with form filling in their homes.</p> <p>There are various other options available in the town centre for people to take advice on claiming council tax support including advice agencies like CCP and CAB.</p> <p>Customers identified as having difficulties in paying their council tax are also invited to make claims for council tax support. This is built into the council tax recovery processes and is a preferred option to taking enforcement action.</p>
<p>If not, who do you have plans to</p>	<p>Not applicable.</p>



CHELTENHAM
BOROUGH COUNCIL

**consult with about the service /
policy / project?**

Step 3 - Assessing community impact

How does your service / policy / project impact on different groups in the community?

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
People from black and minority ethnic groups	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are male or female	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are transitioning from one gender to another	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
Older people / children and young people	Council tax support is awarded to any age group (over 18) if their financial position warrants help. This includes people of working age and pension age	The local council tax support scheme only applies to those customers of working age. Therefore this group of people aged 18 to 67 will be directly impacted upon	The council tax support scheme could remain unchanged but this is an unlikely option. Support will be made available to customers affected	There will be an impact on some customers due to their financial position and the household income they have
People with disabilities and mental health challenges	Council tax support currently assists people with disabilities. Certain disabilities attract prescribed allowances and premiums in the calculation of the support which are advantageous to customers	The scheme is being revised so that allowances and premiums are no longer applicable in the calculation. This in itself may disadvantage some customers.	Consideration is being given to further protect certain groups including those with disabilities and those who have disabled children. Customers who receive Employment and Support Allowance IR (ESA) are likely to continue to receive the maximum 100% support and those customers with disabled	There may be some impact on a few customers due to their financial position and the household income they have, but the impact is being moderated by introducing enhancements to the scheme for these customers. The customers with

			children will have additional income disregards increased which will be advantageous to the amount of support payable	disabilities that are affected will be those who have additional income, for example, a partner with earnings
People who have a particular religion or belief	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are attracted to their own sex, the opposite sex or to both sexes.	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are married or in a Civil Partnership	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are pregnant or who are on maternity leave	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	There will be an impact on some customers due to their financial position and the household income they have
Other groups or communities	No specific benefits to these groups or communities	No specific disadvantages to these groups or communities	There is no requirement to do things differently to benefit these groups	No specific impact identified

Step 4 - what are the differences

<p>Are any groups affected in different ways to others as a result of the service / policy / project?</p>	<p>Yes. Councils became responsible for designing their own local council tax support scheme for <u>working age people only</u>. The Government also reduced the funding given to Councils to pay for the scheme. Cheltenham Borough Council introduced its local council tax support scheme in April 2013 which more or less replicated the council tax benefit scheme. <u>Council tax support for pensioners was not localised and continues to be provided for by a national scheme.</u></p> <p>As a result of this people of working age are affected by a local council tax support scheme. The Government produced its own Equality Impact Assessment in 2012 prior to the introduction of localised support being introduced. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf</p> <p>In localising support for council tax, the Government believes that local schemes should provide support for the most vulnerable, including vulnerable pensioners. The Government has concluded that support for vulnerable pensioners should be delivered through a national framework of criteria and allowances. Local authorities already have clearly defined responsibilities in relation to, and awareness of, the most vulnerable groups and individuals other than pensioners in their areas. This includes, for example, through their responsibilities under:</p> <ul style="list-style-type: none"> • The Child Poverty Act 2010, which imposes a duty on local authorities to have regard to and address child poverty and their partners, to reduce and mitigate the effects of child poverty in their local areas; • The Disabled Persons (Services, Consultation and Representation) Act 1986, and Chronically Sick and Disabled Persons Act 1970, which include a range of duties relating to the welfare needs of disabled people; • The Housing Act 1996, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.
<p>Does your service / policy / project either directly or indirectly discriminate?</p>	<p>The council tax support scheme will directly discriminate against people of working age. However the Government's view is that by giving local authorities a significant degree of control over how a reduction in expenditure is achieved, allowing councils to balance local priorities and their own financial circumstances. Reducing the costs of support for council tax is a contribution to the Government's vital programme of deficit reduction. Giving local authorities a financial stake in the provision of support for council tax and so a greater stake in the economic future of their local area, so supporting the Government's wider agenda to enable stronger, balanced economic growth across the country. This reform creates stronger incentives for councils to get people back into work and so support the positive work incentives that are being introduced through the Government's implementation of Universal Credit.</p>
<p>If yes, what can be done to improve this?</p>	<p>The council tax support scheme forecasting has identified that protection can be given to the most vulnerable working age people in the borough. It is proposed in the draft scheme that those customers who receive "passported" benefits including Job Seeker's Allowance, Income Support and Employment and Support Allowance</p>

	will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax.
<p>Are there any other ways in which the service / project can help support priority communities in Cheltenham?</p>	<p>Yes. The proposed draft scheme has been designed to protect where possible and provide greater financial assistance to priority communities. However due to the costs associated with the council tax support scheme having to be reduced some customers will inevitably continue to see a reduction in the value of support provided. The banded income scheme has been designed with the following elements to ensure that within the scheme certain priority communities face less of an impact:</p> <ul style="list-style-type: none"> • child benefit and maintenance payments made in respect of children are wholly disregarded • a weekly disregard of up to £175 (for one child) or £300 (two children or more) will apply to customers who pay child care and who fit the qualifying conditions • an additional £100 weekly disregard will apply for each disabled child living in the household • an earnings disregard of £10 per week will apply to those customers who fit the qualifying conditions • Attendance Allowance, Personal Independence Payments, Disability Living Allowance, the Limited Work Capability element paid within Universal Credit and War Pensions will be wholly disregarded • customers who receive Job Seeker's Allowance, Income Support and Employment and Support Allowance continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax

Step 5 – taking things forward

<p>What are the key actions to be carried out and how will they be resourced and monitored?</p>	<p>A forecasting tool is being used which has been provided by Civica, the software provider for Open Revenues. The forecasting tool allows modelling of different schemes to be carried out and developed to suit the needs of the customers and the Council. The modelling carried out enables the Council to establish any financial winners and losers and the extent of these. The number of winners needs to be mitigated to as few as possible as this has a direct impact upon the numbers of people losing from the new scheme.</p> <p>Once the modelling is complete a draft scheme will be devised which will encompass the views of the people who completed the on line consultation survey and the political steer. The scheme will be presented to Cabinet in November 2019 with a recommendation that it is adopted from 1 April 2020 as the Council's preferred council tax support scheme. The draft scheme, subject to Cabinet approval will be published on line inviting further comments from the public. The final scheme will then be presented to Full Council in December 2019 seeking Council approval.</p>
<p>Who will play a role in the decision-making process?</p>	<p>The Head of Revenues and Benefits and the Deputy Revenues and Benefits Manager will devise the draft scheme to be presented to the elected Members of the Council.</p> <p>The decision to implement the new scheme and on what basis will be taken by the elected Members at the Full</p>



	Council meeting scheduled for December 2019.	
What are your / the project's learning and development needs?	Full training will be provided to Revenues and Benefits staff ahead of the annual billing exercise in March 2020 which will detail the changes made to the scheme conditions.	
How will you capture these actions in your service / project planning?	The changes to the existing scheme to be introduced from 1 April 2020 are minor and are not expected to impact on service planning. However the scheme implementation forms part of the annual Council Tax and uprating of benefits exercise. This exercise is carried out during February each year and will be overseen by the Head of Revenues and Benefits and the Deputy Revenues and Benefits Manager.	

**Cheltenham Borough Council
Cabinet – 5 November 2019**

Budget Monitoring Report 2019/20 – position as at September 2019

Accountable member	Councillor Rowena Hay, Cabinet Member for Finance
Accountable officer	Paul Jones, Executive Director Finance & Assets
Accountable scrutiny committee	All
Ward(s) affected	All
Key Decision	Yes
Executive summary	To update Members on the Council’s current financial position for 2019/20 based on the monitoring exercise at the end of September 2019. The report covers the Council’s revenue, capital and treasury management position. The report identifies any known significant variations (minimum £50,000) to the 2019/20 original budget and areas with volatile income trends.
Recommendations	Cabinet note the contents of this report including the key projected variances to the 2018/19 budget and the expected delivery of services within budget.

Financial implications	As detailed throughout this report. Contact officer: Andrew Knott Andrew.knott@publicagroup.uk, Publica Chief Accountant 01242 264121
Legal implications	None specific directly arising from the recommendations. Contact officer: Sarah Farooqi, Sarah.Farooqi@tewkesbury.gov.uk, 01684 272695
HR implications (including learning and organisational development)	The Council continues to monitor vacancies and recruitment. All recruitment activity decisions are based on a business case outlining the impact on the service delivery and/or loss of income generation if the post were to remain unoccupied. In addition, the Council also continues to monitor its capacity to deliver on key projects with regular updates being provided to the Operational Programme Board on a quarterly basis. Contact officer: Julie McCarthy julie.mccarthy@publicagroup.uk, 01242 264355
Key risks	As outlined in Appendix 1.
Corporate and community plan Implications	Key elements of the budget are aimed at delivering the corporate objectives within the Corporate Business Plan.

Environmental and climate change implications	None.
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1. Background

- 1.1** This report provides the second monitoring position statement for the financial year 2019/20. The purpose of this report is to notify members of any known significant variations to budgets for 2019/20 and highlight any key issues, allowing Members to take action if required.
- 1.2** Publica Financial Services carry out a regular budget monitoring exercise for services in liaison with Directors and cost centre managers. This identifies any major variations from the current approved budget that are anticipated to occur in the financial year. The current approved budget is the original budget for 2019/20 agreed by Council on 18th February 2019, subject to any amendments made under delegated powers (for example supplementary estimates, virement, etc). Possible significant variations to revenue budgets are outlined in this report.

2. Net revenue position

- 2.1** The table below summarises the net impact of the variances identified at this stage in the financial year, projecting the position to the end of the financial year for all budget variances in excess of £50,000 and areas with volatile income trends, details of which are provided in paragraphs 3.1 to 3.5.

Significant budget variances	Overspend / (Underspend)£	para. ref:
Ubico	(£265,000)	3.1
Waste and Recycling	£305,000	3.2
Salary Variance	(£33,000)	3.3
Car Parking	(£60,000)	3.4
Planning	£60,000	3.5
Total	7,000	

3. Ubico Limited

- 3.1** Ubico Limited estimate an outturn position of £265k underspend against current budget for 2019/20 based on the period to the 30th September 2019.
- 3.1.1** Grounds maintenance is anticipating an underspend of £50k, due to lower than budgeted staffing costs.
- 3.1.2** Delays in procurement/purchase of vehicles operated by Ubico has resulted in a lower asset charge than budgeted to Ubico from CBC. Due to the significant value of the vehicles scheduled for replacement in 2019/20 that have been delayed, an underspend of £215k will occur during 2019/20. This is simply down to timing of the vehicle purchases and will not

continue into 2020/21.

Waste and Recycling

- 3.2** Waste and Recycling is anticipating an overspend of £305k.
- 3.2.1** A savings target of £200k was included within the waste and recycling services budget to be achieved in 2019/20 through service redesign, efficiencies and investment in new vehicles. This is a joint target between CBC and Ubico, progress has been made to identify potential savings and great deal of work has been undertaken. Some efficiencies/service delivery changes have been made during the first two quarters of 2019/20. However any saving generated by these changes has been offset by an additional refuse round that was introduced in June 2019.
- 3.2.2** Recycling Credits income which is received from Gloucestershire County Council is anticipated to have a shortfall of £60k. This is due to the lower than budgeted tonnages of recycling material being collected (particularly glass which weighs the heaviest) via the kerbside recycling collection service.
- 3.2.3** Recycling wood disposal costs are anticipated to be overspent by £50k. This is due to a higher than budgeted volume of wood disposals and delays in procurement of a new wood disposal contract which has now been awarded to a contractor.
- 3.2.4** Income from garden and bulky waste collections is higher than budgeted due to more customers than budgeted for taking up the service. This is resulting in a higher than budget surplus of by £45k. However this is being offset by lower than budget income from the trade waste service, a shortfall of £40k against budget.

Salary Variances

- 3.3** A target of £186.4k from employee related savings to be made throughout the Council during the year is embedded within individual service budgets, allocated in proportion to existing service salary budgets to improve accountability and budget monitoring within council services. An assessment of vacant posts (i.e. staff turnover) in the first six months of the year indicate that there will be a likely surplus of £33k against this target for the financial year.

Car Parking

- 3.4** It is estimated that we will have an additional £60k from Car parking within this financial year.
- 3.4.1** This is split by an additional £120k in car parking income due to greater demand across all car parks.
- 3.4.2** However we have also increased our resource within the car parking team due to staff shortfalls and incurred additional pay by phone and card charges due to the way that the car parks are now operating.

Planning

- 3.5** It is currently estimated that planning income will be reduced by £60k income this financial year against an income target of £668k. This is due to a reduction in application numbers but also a reduction in the larger scale application.
- 3.5.1** It is expected that there may be a couple of larger applications in the 2nd half of the year which may reduce this deficit however this is currently unknown.
- 3.5.2** A review of resources is also taking place as the team are currently running with vacancies

which may be able to be sustained if the application numbers remain low.

4. Treasury Management

- 4.1 Borrowing Costs are in line with the revised budget. This includes both short term (temporary borrowing), long term and brokerage costs.
- 4.2 Investments as of 30th September are forecast to come in on budget based on performance so far. Average weighted investments for the first half of the year are £22.021m achieving a rate of return of 2.34%.

5. Capital

- 5.1 A detailed exercise has been carried out to ensure that capital schemes, approved by Council on 18th February 2019, are being delivered as planned within allocated capital budgets, some of which are timetabled to straddle two or more financial years. The following variances to capital budgets are expected upon completion of the scheme:
- 5.2 Following the purchase of land for the Cyber Hub, the Council has now spent £39.6m of the £44m capital budget for this programme.
- 5.3 The Council has also invested £1.1m in new Vehicles & recycling equipment so far this year against a budget of £2.8m. It is expected that the remainder of this budget will be spent by the end of the Financial Year
- 5.4 There are no significant variance against any current capital programmes or projects.

6. Programme maintenance expenditure

- 6.1 A detailed exercise has been carried out to ensure that programme maintenance work, approved by Council on 18th February 2019, is being delivered as planned within the allocated budgets. Some programme maintenance expenditure is not expected to be utilised in the current year and will be transferred back into the Property Maintenance reserve. However, there is a requirement for additional budget to meet higher than expected reactive repairs in the year, which will be funded from this reserve. Further details will be reported in the next budget monitoring report. Any slippages in schemes or underspend against budget at the end of the year will be transferred to the Programme Maintenance reserve to fund future programme maintenance expenditure.

7. Housing Revenue Account (HRA)

- 7.1 Significant variations to HRA revenue and Capital budgets identified to 30th September 2019 are detailed as below:-

HRA Revenue:

- 7.2 The HRA Revenue Account has the following significant variances (over £50,000):-

		£'000
Dwelling Rents	Reduced Right to Buy sales and impact of increased number of acquisitions	80
Bad Debt Provision	Reduced forecast based on current position. Arrears held constant despite growing number of tenants receiving Universal Credit.	80

Interest Payable	Loan interest payable on HRA share of land acquisition in West Cheltenham.	(55)
Other		(33)
Additional surplus (net)		72

HRA Capital (Existing Stock):

- 7.3** The current forecast for capital expenditure on existing stock is £9,395,000, a reduction of £188,000 in comparison to budget (£9,583,000). Within that figure there have been the following significant project variations: -
- External Works (£859,000 forecast compared to budget of £629,000). Roofing works are progressing well. Works scheduled for 2020/21 will be brought forward to offset underspend in the overall capital budget.
 - Internal Works (£518,000 forecast compared to budget of £827,000). The shower installation programme will not start until later this year due to delays in staff recruitment.
 - Asbestos (£320,000 forecast compared to budget of £190,000). Additional asbestos has been identified following works to roofing, non-traditional homes, lighting and paths works.
 - Paths (£147,000 forecast compared to budget of £247,000). All urgent paths works have been scheduled. No further works have been identified at this stage.

HRA Capital (New Build/Acquisitions)

- 7.4** Expenditure on new HRA build and acquisitions for the year is now forecast at £8,700,000, an increase of £1,069,000 against the original budget of £7,631,000. There is a revised budget of £8,700,00 which was approved by Full Council on 14th October 2019.
- 7.5** This primarily results from a contingency for potential land acquisitions for future new build.

8. Council tax and Business rates collection

- 8.1** The monitoring report for the collection of council tax and business rates (NNDR) income is shown in Appendix 2. This shows the position at the end of September 2019 and the projected outturn for 2019/20.

9. Sundry debt collection

- 9.1** The monitoring of the aged sundry debts and recovery is shown at Appendix 3. This shows the position at the end of September 2019.

10. Conclusion

- 10.1** This report summarises the results of a broad monitoring exercise at an early stage in the year. This projected position is likely to improve through the identification of further projected net savings in the second half of the year. It is therefore envisaged that the outturn for the year will show an improved position than reported in paragraph 2.1 above.
- 10.2** The continued impact of the changes in government funding arrangements and the economic climate present particular concerns for the Council's budgets. It is clearly important to ensure that budgets continue to be closely monitored over the coming months with a view to taking action at a future date, if necessary, in order to ensure that the Council delivers services within budget.
- 10.3** It will be for Cabinet and Council to decide in July 2020, when outturn is finalised, how to apply any

potential savings. However it is recommended that any underspend is transferred firstly to the Budget Deficit (Support) Reserve and secondly to support general balances, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding possible future budget funding gaps as outlined in the Council’s Medium Term Financial Strategy.

11. Consultation

11.1 The work undertaken to produce this report has involved consultation with services and cost centre managers.

Report author	Contact officer: Andrew Knott andrew.knott@publicagroup.uk, 01242 264121
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Council Tax and NNDR collection to 30th September 2019 3. Aged Debt Report as at 30th September 2019
Background information	<ol style="list-style-type: none"> 1. Section 25 Report – Council 18th February 2019 2. Final Budget Proposals for 2019/20 – Council 18th February 2019

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1.	If we are unable to take corrective action in respect of reduced income streams then there is a risk that Council will not be able to deliver its budget	Cabinet	June 2010	3	3	9	Reduce	In preparing the budget for 2020/21, SLT to consider the options for offsetting reduced income streams by analysing and reducing the level of expenditure across the Council.	February 2020	SLT	Corporate Risk Register
2.	If the Budget Deficit (Support) Reserve is not suitably resourced insufficient reserves will be available to cover anticipated future deficits resulting in the use of General Balances which will consequently fall below the minimum required level as recommended by the Chief Finance Officer in the Council's Medium Term Financial Strategy.	Cabinet	October 2015	3	3	9	Reduce	In preparing the budget for 2020/21 and in ongoing budget monitoring, consideration will be given to the use of fortuitous windfalls and potential future under spends with a view of strengthening reserves whenever possible.	February 2020	Chief Finance Officer	Corporate Risk Register

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**Council Tax and Business Rates
Collection Rates 2019-20**

Council Tax 2019/20

Current Year Charges - 2019/20			
Monitoring Period	% Collected at 30.09.2019	Target 30.09.2019	2019/20 Target
	57.57%	57.70%	98.32%
Comparison with 2018/19	As at 30.09.2018		% Collected 31.03.2019
	57.71%		98.32%

The collection rate for the end of September is slightly below the target. We are working with any council tax payers struggling to pay and will continue to monitor this closely .

Previous Years Charges Outstanding in 2019/20			
Monitoring Period	Amount outstanding at 30.09.2019	Target 30.09.2019	2019/20 Target
	£1,709,710	£1,660,000	£1,250,000
Comparison with 2018/19	As at 30.09.2018		Amount o/s 31.03.2019
	£1,579,976		£1,206,270

The arrears outstanding have not reduced to the target level for the end of September. We are working with any council tax payers struggling to pay and will continue to monitor this closely .

Business Rates 2019/20

Current Year Charges - 2019/20			
Monitoring Period	% Collected at 30.09.2019	Target 30.09.2019	2019/20 Target
	59.45%	60.13%	98.85%
Comparison with 2018/19	30.09.2018		% Collected 31.03.2019
	60.12%		98.83%

The collection rate for the end of September is slightly below the target. We continue to monitor the position closely

Previous Years Charges Outstanding in 2019/20			
Monitoring Period	Amount outstanding at 30.09.2019	Target 30.09.2019	2019/20 Target
	£560,081	£670,000	£500,000
Comparison with 2018/19	Amount outstanding at 30.09.2018		Amount outstanding at 31.03.2019
	£723,023		£540,658

The arrears outstanding have reduced to well below the target level for the end of September.

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Cheltenham Borough Council: Aged Debt Report - as at 1 October 2019

Cost centre manager	CostC	CostC (T)	No. Outstanding Invoices	Value of Invoices in Payment Plans	Value of Invoices with Halted Recovery *	Value of Invoices with Legal	Value of Invoices awaiting Credit Notes **	Value of Invoices for Write Off ****	Customer Credits ***	Not Due	0-30	1-3 Mths	3-6 Mths	6 mth - 1 Yr	1 - 2 Yrs	2 Yrs+	Total
Dominic Stead	ADB101 Total	Cheltenham Municipal Offices	1	-	-	-	-	-	-	-	25,998.00	-	-	-	-	-	25,998.00
Dominic Stead	ADB103 Total	Cheltenham Depot	4	-	12.48	-	-	-	-	-	13,728.50	-	26,734.78	-	-	-	40,475.76
Garrie Dowling-Burrage	ADB104 Total	Miscellaneous Operational Properties	30	3,623.80	-	-	-	-	-	943.34	11,245.29	1,551.66	375.64	-	-	-	17,739.73
Paul Jones	BAL100 Total	General Fund Balance Sheet	156	124.76	360.00	3,811.00	-	-	10,958.09	-	20.00	-	-	-	-	-	6,642.33
Ian Smith	BUC001 Total	Building Control - Fee Earning Work	4	-	-	-	-	-	-	4,260.00	487.20	-	-	-	-	-	4,747.20
Yvonne Hope	CCM001 Total	Cemetery, Crematorium and Churchyards	106	-	-	-	-	-	55.00	42,290.00	40,803.00	10,400.00	4,429.00	-	-	-	97,867.00
Richard Gibson	COM101 Total	Oakley Resource Centre	12	660.00	-	-	-	-	11,698.25	-	18,722.00	12,500.00	-	-	-	-	20,183.75
Richard Gibson	COM103 Total	St. Margaret's Hall	1	-	-	-	-	-	-	202.50	-	-	-	-	-	-	202.50
Mark Sheldon	COR001 Total	Corporate Management	3	-	-	-	-	-	-	2,400.00	-	-	-	-	-	-	2,400.00
Mike Redman	CPK001 Total	Car Parks - Off Street Operations	4	-	-	-	-	-	-	-	-	11,210.40	9,662.40	-	-	-	20,872.80
Tracey Crews	DEV001 Total	Development Control - Applications	1	-	-	-	-	-	-	-	-	-	990.00	-	-	-	990.00
Adam Reynolds	ESR001 Total	Highways Agency verges and trees	2	-	-	-	-	-	-	-	66,298.55	-	66,298.55	-	-	-	132,597.10
Dominic Stead	FIE040 Total	Income and Expenditure on Investment Properties	18	9,400.43	845.15	-	-	-	-	10,587.92	389,762.87	-	-	1,505.00	-	-	421,131.37
Richard Gibson	GBD001 Total	Community Welfare Grants	1	-	-	-	-	-	-	-	1,000.00	-	-	-	-	-	1,000.00
Mark Nelson	HOS004 Total	Housing Standards	8	-	602.70	1,452.80	-	-	-	-	-	-	-	-	-	-	2,055.50
AN Other	NDC001 Total	Non Distributed Costs	5	-	-	-	-	-	-	-	5,035.83	-	-	-	-	-	5,035.83
Adam Reynolds	OPS001 Total	Parks & Gardens Operations	7	1,401.50	-	-	-	-	-	26,115.20	-	235.10	-	-	-	-	27,751.80
Adam Reynolds	OPS002 Total	Sports & Open Spaces Operations	12	2,703.90	-	-	-	-	-	5,991.66	3,635.00	-	290.09	402.90	-	-	13,023.55
Adam Reynolds	OPS004 Total	Allotments	33	-	45.24	-	-	-	-	-	-	58.51	-	1,563.72	252.80	20.00	1,940.27
Mike Redman	PUT101 Total	Royal Well Bus Node	1	-	-	-	-	-	-	-	-	-	1,565.76	-	-	-	1,565.76
Howard Barber	PUT102 Total	Shopmobility	1	-	-	-	-	-	-	-	-	204.00	-	-	-	-	204.00
Sarah Clark	REG001 Total	Environmental Health General	3	3,235.00	3,311.62	-	-	-	-	-	-	-	-	-	-	-	6,546.62
Louis Krog	REG002 Total	Licensing	18	-	425.00	-	180.00	-	-	1,605.14	993.92	295.00	180.00	-	-	-	3,679.06
Sarah Clark	REG013 Total	Polution Control	1	-	-	-	-	-	-	-	-	-	228.00	-	-	-	228.00
Mark Nelson	REG018 Total	Pest Control	1	-	100.00	-	-	-	-	-	-	-	-	-	-	-	100.00
Karen Watson	RYC004 Total	Recycling Centres	2	-	-	-	-	-	-	-	4,316.40	-	-	-	-	-	4,316.40
Karen Watson	RYC006 Total	Recycling Collection Schemes	2	-	-	-	-	-	-	61,547.52	-	64,962.95	-	-	-	-	126,510.47
Karen Watson	RYC008 Total	Bulking Facility	7	-	-	-	-	-	7,156.13	-	50,693.20	13,638.35	-	-	-	-	57,175.42
Martin Stacey	SPP001 Total	Supporting People	1	87.13	-	-	-	-	-	-	-	-	-	-	-	-	87.13
Chris Morrall	SPP002 Total	Community Alarms	908	80,184.90	203.22	-	87.13	-	29.06	134.13	189.64	14.53	-	-	-	-	80,784.49
Mark Nelson	STC011 Total	Abandoned Vehicles	8	-	-	2,144.00	-	-	-	-	96.00	-	-	-	-	-	2,240.00
Paul Jones	SUP034 Total	Fleet Management	1	-	-	-	-	-	-	-	2,942.40	-	-	-	-	-	2,942.40
Judy Hibbert	SUP103 Total	Business Support Services	1	-	-	-	-	-	-	-	-	-	173,040.00	-	-	-	173,040.00
Philip Alway...	TOU002 Total	Tourist / Vistor Information Centre	36	1,350.00	5,905.56	3,600.00	-	-	-	-	3,754.00	19,674.00	-	-	-	-	34,283.56
Karen Watson	TRW001 Total	Trade Waste	475	83,814.59	20.40	1,192.90	-	-	-	1,888.85	38,303.90	2,163.67	2,255.94	-	-	-	129,640.25
Howard Barber	URB101 Total	Urban Design	1	-	-	-	-	-	-	-	180.00	-	-	-	-	-	180.00
Cost centre manager	CostC	CostC (T)	No. Outstanding Invoices	Value of Invoices in Payment Plans	Value of Invoices with Halted Recovery *	Value of Invoices with Legal	Value of Invoices awaiting Credit Notes **	Value of Invoices for Write Off ****	Customer Credits ***	Not Due	0-30	1-3 Mths	3-6 Mths	6 mth - 1 Yr	1 - 2 Yrs	2 Yrs+	Total
Matt Ward	HRA100 Total	Repairs and Maintenance	30	24,970.77	-	226.50	-	-	20.00	10,616.10	-	-	-	-	-	-	35,793.37
Matt Ward	HRA200 Total	Dwelling Rents	1	-	-	-	-	-	-	-	589.02	-	-	-	-	-	589.02
Matt Ward	HRA210 Total	Non-dwelling Rents	25	1,733.82	-	-	-	-	-	8,495.00	13,933.35	105.55	40.00	-	10.00	20.00	24,337.72
Matt Ward	HRA221 Total	Service Charges to Leaseholders	75	72,529.95	-	-	-	-	797.87	-	-	-	-	80.00	3,474.70	2,289.13	77,575.91
	Grand Total		2,006	285,820.55	11,831.37	12,427.20	267.13	-	30,714.40	177,077.36	692,728.07	137,013.72	295,120.16	3,551.62	3,737.50	2,329.13	1,591,189.41
	Previous month's position		1,839	247,030.74	17,107.20	13,737.20	-	3,419.72	26,772.34	102,629.20	209,961.14	132,906.47	215,438.48	5,547.08	3,843.52	1,548.90	922,553.79
<p>* Value of Invoices with Halted Recovery - invoices with issues to be resolved before payment / futher recovery action e.g. service disputed, bounced direct debits, with bailiffs, etc.</p> <p>** Value of Invoices Awaiting Credit Note - credit notes have to be authorised on Agresso, until they are authorised the invoices remain outstanding but a complaint code is used to mark them appropriately.</p> <p>*** Customer Credits - accounts where customers have paid in advance of an invoice, or in error.</p>																	

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