



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Monday, 16 December 2019
5.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownsteen, Flo Clucas, Chris Coleman, Mike Collins, Stephen Cooke, Iain Dobie, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Alex Hegenbarth, Karl Hopley, Martin Horwood, Peter Jeffries, Steve Jordan, Chris Mason, Paul McCloskey, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Jo Stafford, Klara Sudbury, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

A Moment of Reflection

(to be led by the Mayor's Chaplain- Rev Luke Goodway)

This will be of an inclusive nature and held in the Cambrey Room at 4:45pm. All Members are welcome to participate but need not do so.

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING To approve the minutes of the meeting held on 14 th October.	(Pages 5 - 48)
4.	COMMUNICATIONS BY THE MAYOR	
5.	COMMUNICATIONS BY THE LEADER OF THE COUNCIL	
6.	TO RECEIVE PETITIONS	
7.	PUBLIC QUESTIONS These must be received no later than 12 noon on Tuesday 10th December.	

8.	MEMBER QUESTIONS These must be received no later than 12 noon on Tuesday 10 th December.	
9.	CONSIDERATION OF A PETITION ENTITLED - 'KEEP PARKING AT PITTVILLE PARK FREE!' Report of the Cabinet Member Development and Safety	(Pages 49 - 58)
10.	RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL (IRP) REGARDING MEMBERS' SCHEME OF ALLOWANCES Report of the Independent Remuneration Panel	(Pages 59 - 82)
11.	LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2020/21 Report of the Cabinet Member Finance	(Pages 83 - 206)
12.	REVIEW OF COUNCIL TAX PREMIUM ON EMPTY PROPERTIES Report of the Cabinet Member Finance	(Pages 207 - 224)
13.	TREASURY MID-TERM REPORT 2019/20 Report of the Cabinet Member Finance	(Pages 225 - 234)
14.	REVIEW OF NO CHILD LEFT BEHIND AND ADOPTION OF THE CHELTENHAM OFFER Report of the Cabinet Member Healthy Lifestyles	(Pages 235 - 250)
15.	NOTICES OF MOTION	
16.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	

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

Tim Atkins
Managing Director Place and Growth
(Deputy Chief Executive)

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More information can be found in [Appendix K](#) of the Council Constitution.

Further questions and contact details

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Council

Monday, 14th October, 2019

2.30 - 7.55 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownstein, Flo Clucas, Chris Coleman, Mike Collins, Stephen Cooke, Iain Dobie, Bernard Fisher, Tim Harman, Steve Harvey, Rowena Hay, Alex Hegenbarth, Karl Hobley, Peter Jeffries, Steve Jordan, Chris Mason, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Jo Stafford, Klara Sudbury, Max Wilkinson, Suzanne Williams and David Willingham

Minutes

1. APOLOGIES

Apologies were received from Councillors Flynn, Horwood, Stennett and Wheeler.

2. DECLARATIONS OF INTEREST

Councillors Sudbury and Cooke declared a personal interest in agenda item 12 as residents of Leckhampton, in the area of the proposed senior school.

Councillor Babbage declared a prejudicial interest in agenda item 9 as an employee of an energy company. He would not participate in the debate of this item and would leave the chamber.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 22 July were approved and signed as a correct record.

4. COMMUNICATIONS BY THE MAYOR

The Mayor wished to put on record his congratulations to Gloucestershire County Cricket Club in achieving promotion to the First Division of the County Championship.

The Mayor then reported on his latest mayoral highlights.

The Mayor invited the Leader to address Council with regard to the awards that the Council had recently received. He reported that at the 2019 APSE service Cheltenham Borough Council celebrated with its community partners being finalists in three categories: Best collaborative working initiative for 'Cheltenham Remembers' project, 'Best Service Team Cemetery and Crematorium service' and winning 'Best Commercial and Entrepreneurship Initiative'. He also reported that Cheltenham

Borough Homes had won at the Travis Perkins Managed Services (TPMS) 'My Community Awards 2019' for their Thrive project, a six month alternative provision programme where young people at risk of exclusion worked towards receiving their ASDAN Careers and Experiencing Work certificates.

The Mayor then went on to say that in October at the annual regional South West Councils Local Government Challenge, Cheltenham Borough Council entered a joint team with Gloucester City Council and Tewkesbury Borough Council achieving second place at the industry challenge, which aimed to give aspiring managers a first-hand experience of the challenges being faced by strategic leadership teams on a daily basis.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader wished to remind Council that a member seminar had been arranged for 23 October on strategic planning and major infrastructure. He reported that Council was due to receive the CIL governance report for consideration at this meeting, however government had recently amended the regulations so officers were currently reassessing the balance with Section 106 funding.

Finally, the Leader wished to put on record his best wishes to Councillor Flynn who was currently unwell in hospital.

6. TO RECEIVE PETITIONS

There were none.

7. PUBLIC QUESTIONS

1.	Question from Amber Astron Christo to Cabinet Member Green Environment, Councillor Chris Coleman
	At the Council meeting I attended previously, you had said you would deal with the issue of lack of street <u>cleaning</u> . However, there seems to be little change. The impression I get is that there is no intent to keep the streets of Cheltenham clean. The town centre is one small part of the town. What exactly is the policy on street cleaning for Cheltenham? Are you intending to take proper action over this issue?
	Response from Cabinet Member
	As Cabinet Member for Clean and Green Environment, keeping the town clean is a priority and residents in Cheltenham will see the two new 15 tonne mechanical road sweepers out and about and we are already seeing improvements in the cleanliness of our roads, not just in the town centre but out in the borough too. The previous two road sweepers were hire vehicles which kept breaking down and to maintain the high quality standards expected across the town new vehicles have been purchased and will be better able to deal with the impact of the changing weather patterns and leaf fall throughout the year. Street cleansing is being reviewed this year as part of our commitment to improve standards work has already started in the town centre. Positive feedback from businesses about the cleanliness in the town centre is welcomed and these improvements will be rolled out across the borough between now and the end of March 2020.

	<p>I can confirm there is a programme of mechanical street sweeping which starts in the town centre and along our gateway routes into Cheltenham early every morning and then moves out into the borough. The mechanical sweeper drivers have a list of roads each day to sweep which, over the period of a year, covers all roads in Cheltenham. Some areas need more mechanical street sweeping than others, particularly where there is heavier leaf fall. A programme of manual street sweeping/detritus clearing is also in place which includes a manual clean out of those gutters/gullies as necessary.</p> <p>Where drains are blocked, Gloucestershire County Council/highways are asked to assist in clearing out the drains however there are frequent difficulties with their availability and parked cars blocking gullies or drains. We will continue to work with residents and Gloucestershire County Council/highways to ensure our drains are cleared.</p> <p>The specific issues raised have been responded to separately but in all cases service visits took place between early August and the end of September.</p>
	<p>Supplementary question from Amber Astron Christo</p>
	<p>Are you going to reverse the policy for cleaning residential streets, which at the moment only get cleaned when people make repeated complaints?</p>
	<p>Response from Cabinet Member</p>
	<p>The Cabinet Member Clean and Green Environment clarified that a regular street cleaning regime was in place. He acknowledged that this process needed to be constantly analysed and revisited in order to maximise its effectiveness.</p>
<p>2.</p>	<p>Question from Amber Astron Christo to the Leader of the Council, Councillor Steve Jordan</p>
	<p>It has been reported that £37.5 million was paid for the 45 hectares of land for the Cyber Park.</p> <ul style="list-style-type: none"> a) Was this figure calculated as industrial or residential land, or both, and were Government Land Estimate values used? b) Did the seller know the intended use of the land prior to the deal? c) How many of the 3000 homes to be built will be solely for Cyber Park workers, how many for local people, and how many will be affordable 1/2/3 bedroom properties?
	<p>Response from Cabinet Member</p>
	<ul style="list-style-type: none"> a) The land purchased is allocated for employment and residential. Therefore viability appraisals were undertaken based on office/mixed-use and residential values. Market data was used to indicate values. Government Land Estimate values were not used. b) Yes, the sellers were aware of the intended use of the land. The uses are identified under policy A7 in the Joint Core Strategy. c) Residential accommodation is unlikely to be restricted to Cyber Park workers. The Joint Core Strategy Policy states that 'within the

	strategic allocation sites a minimum of 35% affordable housing will be sought'. Any development will be sought in line with planning policy.
	Supplementary question from Amber Astron Christo
	The response stated that affordable housing would be 'sought'. Who will that request be sought from, and why can the Council not just demand since it owns the land?
	Response from Cabinet Member
	The Leader of the Council responded that this specific comment related to the planning process, wherein a Joint Core Strategy had been agreed. This stated that in the case of urban extensions, the Council would seek a minimum of 35% affordable housing. The Council would be keen to insist upon it, but the JCS required that certain viability criteria be satisfied first. The Council owned some of the land that will be involved, which offers a greater likelihood of achieving what it wanted.
3.	Question from Peter Clegg to Cabinet Member Clean & Green Environment, Councillor Chris Coleman
	<p>It strikes me that CBC will have difficulty meeting Net-Zero by 2030 if it does not work closely with other Glos councils whatever their political makeup. Is CBC actively pursuing working with other Glos Councils in respect of tackling all the issues associated with the Climate Emergency.</p> <p><i>Note on P37 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.</i></p> <p>Did CBC consider working partnerships with other Gloucestershire councils & GCC before commissioning an external consultant and additionally, the costs of 'going it alone' will be prohibitive for each council, yet there will be overlap of resources and projects. For each council to run its own Citizen's assembly, possibly including the same external experts this would be repetitive and costly. Have CBC considered this?</p>
	Response from Cabinet Member
	<p>The Council has and will continue to work with other Gloucestershire councils, businesses, residents and community organisations to help meet the 2030 net-zero targets, which we acknowledge will be hugely challenging.</p> <p>The Council's lead consultant, Simon Graham, has engaged with a number of organisations prior to drafting his report, including other Gloucestershire Councils, businesses and community organisations when preparing its report.</p> <p>It is worth highlighting that Gloucestershire Councils have declared climate emergencies at different times and there was a target deadline for Cheltenham's high level plan to be presented to full Council, due to the agreed emergency.</p>

	<p>An external specialist consultant was commissioned to give the authority added expertise, insight and capacity to create a credible overview of the extent of change required to meet the 2030 targets requested by Council. Each local authority area has different opportunities and challenges depending on their geographical location and circumstances, but there are clearly opportunities for project collaboration, sharing of resources and expertise.</p> <p>Simon was selected to help the Council, as he knows Cheltenham 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, including first in the sector to be Carbon Neutral and Zero Waste.</p> <p>Community and wider stakeholder engagement will be an essential element in meeting the 2030 target, because the authority cannot hope to achieve this without the buy-in of the public, the business community and the voluntary sector. The Council will be engaging with other Gloucestershire authorities to establish how best this can be done, including the option for a Citizens' Assembly.</p> <p>A meeting of senior officers from authorities across the county is taking place at Stroud on 5th November.</p>
<p>4.</p>	<p>Question from Peter Clegg to Cabinet Member Housing, Councillor Peter Jeffries</p>
	<p>The report discusses at some length the need for a range of renewable energy and Net Zero Buildings for new build, but as the report noted Cheltenham has a Regency legacy as well as a 60's legacy of poorly insulated properties. The consultants report mentions retrofit almost in passing, yet with such a large housing stock already existing these buildings, many in the private rental sector, have to be substantially improved for Net Zero carbon reduction.</p> <p>What measures will CBC take to ensure these poorly insulated properties, many in private ownership, are upgraded?</p>
	<p>Response from Cabinet Member</p>
	<p>See answer to Q5.</p> <p>In addition, the Council recognises the need for a step-change in the energy efficiency of the existing housing stock. This will need to include a reappraisal of the authority's own dwelling stock, the majority of which is currently heated by fossil-gas. One suggestion is that we should apply energy efficiency measures to a number of local authority dwelling types, to use as exemplars of what can be achieved to incentivise investment by home owners and landlords.</p> <p>Here again there are challenges for government, as rental formulas linking to housing benefit do not allow energy costs to be taken into account. This is another area where the government needs to consider how it can intervene to help encourage the changes required through financial incentives. It would also be helpful for VAT to be removed from energy efficiency measures.</p>

	<p>Ultimately through a combination of leadership, collaboration and enabling, home owners should be able to reduce their carbon footprint, we all must work continuously to maximise the number of homes within our communities reach the net zero target.</p>
	<p>Supplementary Question</p>
	<p>For many years, Vision 21 organised Cheltenham Green Open Doors, where local householders opened their homes to display their approach to sustainability issues (e.g. solar panels, insulation). Over two days, 500-700 visitors visit around 20 homes. Will the Council support this initiative? It halted due to a lack of financial support despite support from local businesses and newspapers.</p>
	<p>Response from Cabinet Member</p>
	<p>The Cabinet Member Housing responded that collaborative work with communities is key. He indicated that he would be willing to support the initiative were he to receive more information about it.</p>
5.	<p>Question from Rose Lennard to Cabinet Member Development & Safety Andrew McKinlay</p>
	<p>Cheltenham has a high proportion of listed buildings which are both hard to insulate and heat, and which usually have a lot of planning (Listed Building) restrictions on what can be done to their fabric, making it hard for home owners to carry out improvements to help achieve the carbon neutral target. Does the Council have any proposals for how to tackle this problem?</p>
	<p>Response from Cabinet Member</p>
	<p>The Council has long supported energy efficiency initiatives in relation to both its own housing stock and through the promotion of grant incentives to private sector dwellings. The county-wide 'Warm and Well' project, which has operated for many years and is delivered in partnership with the Severn Wye Energy Agency, is a good example of this and has included initiatives in relation to 'hard to treat' homes.</p> <p>In respect of Listed buildings specifically, of which Cheltenham has 2,602, there are no universal quick and easy answers to this conundrum.</p> <p>To become carbon neutral means moving away from using fossil-gas as a heat source and re-thinking the required energy efficiency of existing and new-build housing. At the moment, there is nothing in place to force improvements to the existing building stock and Listed buildings have statutory protections, which probably need to be reconsidered in light of the climate emergency.</p> <p>Similarly, the Building Regulations set the minimum energy efficiency standards for new build and Cheltenham has previously fallen foul of the planning inspectorate by seeking to impose higher standards, resulting in cost awards against the authority.</p> <p>There is therefore a need here to ask the government to either raise the national standards, or provide more autonomy to local government to act at the local level without fear of financial penalty. We are likely to be writing to government if the recommendations in the climate report are accepted by Council and I would be happy to include a reference to this</p>

	issue.
	Supplementary Question
	You have said that you are likely to write to government if the recommendations in the report are adopted by the council. Can we take this as an assurance that you will be writing to the government?
	Response from Cabinet Member
	The Cabinet Member Development and Safety confirmed that this would be the case.
6.	Question from Rose Lennard to Cabinet Member Development & Safety Andrew McKinlay
	Tree planting is a quick win and popular with the public. Letting trees plant themselves (natural regeneration) is very low or zero cost. Has the Council started to identify sites for more tree cover, and is the option of natural regeneration being considered as part of the approach?
	Response from Cabinet Member
	Yes, the authority is actively looking at both of these options and would encourage other landowners to consider how they might work in partnership with the authority and other organisations to help deliver on this ambition.
	Supplementary Question
	You say that local authorities are actively looking at both of these options and would encourage other landowners to consider how they might work with this partnership. How is the Council going to go about this – outreach, publicity, education or contact with local landowners?
	Response from Cabinet Member
	The Cabinet Member Development and Safety responded that it was premature at this stage to confirm an exact plan. CBC would initially look at its own land and consider which sites would most benefit. Partners and other landowners would invariably be included in the process.
7.	Question from Dave Entwistle to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	Question regarding Carbon Neutral Cheltenham - Leadership through Stewardship
	Section 6.1 3rd bullet point. <ul style="list-style-type: none"> <i>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.</i> Please would you explain the meaning behind this statement?
	Response from Cabinet Member
	I was not at the meeting referred to and cannot therefore comment on what the meaning was behind this statement. However, it is clear from the unanimous Council vote in relation to the climate emergency declaration, that there is cross-party support for local action to quickly reduce the carbon emissions of both CBC and the borough as a whole.
8.	Question from Dave Entwistle to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	Question regarding Carbon Neutral Cheltenham - Leadership through Stewardship

	<p>Section 6.2</p> <ul style="list-style-type: none"> 6.2 <i>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.</i> <p>Who was the Chair and does the council agree with her statement, if so, does this mean that the council is unwilling to employ metaphorical sticks, despite the fact a Climate Emergency exists?</p>
Response from Cabinet Member	
	<p>The Chair, Councillor Klara Sudbury, was expressing a personal view and I understand from her that she is for instance keen to ensure more cycle infrastructure is in place to encourage people to feel safe cycling before complaining about not enough people cycling.</p> <p>However, it is reasonable to assume that delivering the 2030 net zero target will require a mixture of both ‘carrot and stick’.</p> <p>It is worth noting that the Council has shown a willingness to be proactive in the face of some local opposition, for example, in relation to traffic management changes at Boots’ corner, primarily aimed at improving public transport punctuality and the town centre environment for walking and cycling.</p>
9.	Question from Betti Stephens to the Leader, Councillor Steve Jordan
	<p>Question regarding Carbon Neutral Cheltenham</p> <p>Thank you to Cheltenham Borough Council for your efforts so far on this subject – a massive challenge as we see from the risk assessment table, but one that we have to tackle with urgency.</p> <p>The vision for Cheltenham as set out in the report by DCA states: ‘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’.</p> <p>This doesn’t make any mention of other species, nature, biodiversity. Without a thriving natural ecology our own species becomes increasingly vulnerable in all sorts of ways. Can this vision be amended to explicitly embrace the wider natural world?</p>
Response from Cabinet Member	
	<p>A thriving natural ecology is very important and the Council is already working on issues such as encouraging greater biodiversity. I don’t believe the communities we live in will thrive if we don’t have a thriving natural ecology as well so the issues raised are implicit in the vision outlined which is taken from the existing Cheltenham Place Strategy.</p>

	See also answer to Qu 10 below.
10.	Question from Betti Stephens to Cabinet Member Clean & Green Environment, Councillor Chris Coleman
	Question regarding Carbon Neutral Cheltenham The ambitious plans and measures will require as much support and buy-in from the wider community. Has the Council considered ways to encourage the widest possible engagement from the local community and – most importantly – mechanisms to maintain this engagement in the long term?
	Response from Cabinet Member
	See answer to Q3 above.
11.	Question from Ed Saul to Cabinet Member Clean & Green Environment, Councillor Chris Coleman
	"While the Council report rightly focuses its attentions on carbon neutrality and sustainability, the international debate is now focusing on regeneration – such as the Common Earth initiative established on Fri 4th. Oct by members of the Commonwealth. There is a genuine risk that focusing only on industrial emissions and not proactive sequestering will make council initiatives obsolete long before they are completed. We have come to the point at which local governments must consider rewilding solutions such as Multistrata Agroforestry, Tree Plantations and Wildlife Corridors. What consideration, if any, has CBC given to regenerating natural resources and wildlife, the latter particularly in light of the recent State of Nature report showing that 40% of wild species in the UK have declined since 1970?"
	Response from Cabinet Member
	The climate change agenda presents us all with huge challenges and we have to be honest in accepting the contribution which Cheltenham and its citizens have and continue to make to environmental degradation, including habitat pressures on wildlife. This position cannot be easily reversed, but it is critical that we seek to do so. This will require political commitment for lifestyle changes across the planet on a scale which many will find difficult to accept. The Council has taken the initiative by publicly declaring a climate emergency and is reviewing its own activities in light of the cross-party commitment to work towards carbon neutrality for CBC and the wider borough by 2030. In addition to responsibility for many of the green amenity spaces across Cheltenham, including Leckhampton Hill, a Site of Special Scientific Interest (SSSI), the Council is undertaking lots of work aimed at maintaining and/or promoting natural resources and wildlife. To an extent this is 'business as usual' for the authority, but we acknowledge the scope for the authority to have a more significant impact on wildlife and carbon emissions in future years. Recent examples of demonstrable action would include moving towards

	<p>more wild flower and perennial planting in our gardens; creating a wildflower butterfly meadow as part of our new crematorium project and working with 'The Friends of Winston Churchill Gardens', who have secured trees from The Woodland Trust for planting on the Honeybourne Line.</p> <p>We are also looking to set up a project with volunteers at Benhall Open Space and Elmfield Playing Field in connection with 'The Big Climate Fightback' on 30th November, with the aim of planting 1,000 plus trees.</p> <p>We are also involved in a major project 'Connecting and Creating Habitat' looking to introduce more biodiverse spaces into the town centre, with the new planting areas in the High Street (in front of John Lewis) being an example of this. This scheme has received match funding from the European Structural Investment Fund.</p> <p>The Council's work is taking place despite recent austerity measures and cuts to local authority funding. It is therefore essential that we continue to press for more resources for local government to support the local action that will be essential to mitigate the potential severity of climate change and to prepare for the inevitable consequences of global heating that are already happening.</p>
12.	<p>Question from Adrian Becker to the Leader, Councillor Steve Jordan</p>
	<p>It is heartening to read that "CBC currently interrogates the climate change implications of every decision". This isn't however set out very clearly in committee reports. Will the leader of the Council instruct officers to clearly set out the total CO₂ emissions that will be emitted as a result of the decisions recommended in each committee report, including planning decisions?</p>
	<p>Response from Cabinet Member</p>
	<p>We recognise the significance of the authority's decisions on the environment and the pertinence of their CO₂ impact. As stated CBC does attempt to assess the implications of every decision.</p> <p>However, we have no current mechanism to calculate the exact CO₂ emission impact of every decision which the Council needs to make to carry out its business. Bearing in mind the financial pressures on local government we need to ensure the cost of reaching a decision is not more than actually implementing it, but are happy to investigate with others how this may be made more effective.</p>
13.	<p>Question from Adrian Becker to the Cabinet Member Finance Councillor Rowena Hay</p>
	<p>The report makes clear that investments made by pension funds to which CBC contributes are not included in the carbon emissions of the Council. Will the Leader of the Council make a member of the existing CLT responsible for coordinating lobbying of the Gloucestershire LGPS until the pension fund divests from the carbon economy?</p>
	<p>Response from Cabinet Member</p>
	<p>Gloucestershire County Council Pensions Section are responsible for the administration of the Local Government Pension Scheme (LGPS) for the 200+ employers and their employees within the geographical area of Gloucestershire.</p>

	<p>The LGPS is a statutory, funded, Career Average Revalued Earnings (CARE) pension scheme. As such the scheme is very secure as benefits are defined and guaranteed by law. Any changes to the legislation of the scheme are governed nationally by the Ministry for Housing, Communities and Local Government (MHCLG).</p> <p>Cheltenham Borough Council, and most of the other Gloucestershire district councils and the county council have declared a Climate Emergency, as such I would expect our respective representatives to make clear our desire to move to a carbon neutral economy and that pension fund investments should reflect that. I have asked our representative to do this.</p> <p>I also asked the County's Pension Section for the current position and I'm still waiting for a reply, however the following may be helpful.</p> <p>Gloucestershire Pensions Committee is the decision-making body of the pension fund, in the past it would make the allocations of investments directly with investment fund managers. A few years ago, government required LGPS bodies to come together in partnerships and 'pool' their funds to increase economies of scale and be big enough to invest in infrastructure. Gloucestershire is part of the Brunel Pension Partnership, so now the Pension Committee choose the asset class and Brunel choose the investment fund manager.</p> <p>The Environment Agency Pension Fund, which has had a highly developed ESG (Environmental, Social and Governance) and RI (Responsible Investment) strategy, has played a key role in shaping the ethos of the Brunel Partnership.</p> <p>I also know that moving towards a low carbon investment strategy has been discussed at the committee on a number of occasions and further debate is to be had on the subject. Recently around £50 million was invested in low carbon equities, however this is only just over 2% of the whole fund.</p>
<p>14.</p>	<p>Question from Lorraine Du Feu to Cabinet Member Corporate Services, Councillor Alex Hegenbarth</p>
	<p>At the Climate Assembly organised by Max Wilkinson in August a lot of people were asking for a Citizens' Assembly to be set up. Max stated that if that was what we wanted the council would do it.</p> <p>To avoid confusion, what we all meant by a Citizens' Assembly is a representative sample of citizens randomly selected by an independent body, informed by expert evidence, supported by experienced independent facilitators in their subsequent deliberations and compensated for their contribution to ensure that all invited are able to take part.</p> <p>It is important for the acceptance of what might be quite difficult measures that honest discussions are held openly so that there is a town-wide consensus on what needs to be done. It is crucial that party politics is taken out of the process and that people feel that the recommended measures have come from them rather than being foisted upon them by</p>

	<p>the council.</p> <p>Deliberative democracy of this type has been proved to be sensible, inclusive and effective and provides a model for doing politics better at a time when many people have lost faith with it.</p> <p>Both the DCA report and the council's Carbon Neutral Cheltenham report stress the need for engagement with the public, but neither recommends a Citizens' Assembly, which I would argue should be the first process.</p> <p>Will the council amend their report to recommend the setting up of a Citizens Assembly at the earliest opportunity?</p>
	Response from Cabinet Member
	<p>Continuing to take the local community with us as we tackle climate change will be essential. We are considering with others the best ways to do this and I support the option of a Citizens Assembly to help do this.</p>
	Supplementary Question
	<p>'Considering with others' sounds like the council is operating behind closed doors. A meeting was held by Councillor Wilkinson in August to determine a way forward for the council, and a Citizens Assembly was overwhelmingly supported as a first measure. Since then, action has been delayed by the commissioning of a report. The public needs to be more involved. If the council is intending to take the public with it, why is it ignoring the clearly expressed will of the public?</p>
	Response from Cabinet Member
	<p>The Cabinet Member Corporate Services responded that the council was engaging with a variety of different parties, including Gloucestershire County Council, the LEP, the Cheltenham Trust and companies within the town. He agreed that there should be an independent Citizens Assembly. This should be an organic process, set up by citizens, with representatives speaking to the council to ensure that they can successfully work in partnership.</p>
15.	Question from Peter Sayers to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	<p>I understand, from an announcement made by Councillor Bernard Fisher at the SPRA meeting on 26th September 2019 that a TRO is being proposed that will restrict traffic entering St Paul's Road from Clarence Square. This will be handled by Highways of Gloucestershire County Council but affects a great number of residents of Cheltenham and thus is also a Borough matter. Please let me know where to find the details of this proposal and the traffic modelling that will accompany any such proposal?</p>
	Response from
	<p>My understanding is that County & Borough Councillor Fisher has been working hard over many years and liaising with Gloucestershire County Council highways colleagues regarding adjustments to St Paul's Road. Whilst initial ambitions, raised by residents in St Paul's included a '20mph' zone and access restrictions, we understand that at this time the request will focus solely upon the installation of a pedestrian crossing in St Paul's Road near the entrance to the University.</p> <p>GCC will be considering wider options and potential mitigation should the</p>

	<p>Boots Corner trial be made permanent. This is outside the existing commitment for 2020/21 financial to improve the traffic light synchronisation on the A4019.</p> <p>I have no further details at this moment but suggest that contact is made with GCC as the highways authority. I am however, confident that GCC will engage with residents and CBC on matters affecting them when any formal proposal is being actively considered.</p>
16.	Question from Peter Sayers to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	In regard to the proposed TRO to restrict traffic flow from Clarence Square into St Paul's Road, please let me know what pre-TRO consultation with the large number of residents in the surrounding areas that will be affected are to take place and how and, more importantly, when will this be conducted?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road.
	Supplementary Question
	I understand that there is no Traffic Regulation Order (TRO) at present for this particular junction. However, I cannot understand why those affected by the possible change have not been consulted. Why not? The questioner also suggested that it would be helpful for the councillor concerned (Bernard Fisher) to meet with residents to discuss the topic.
	Response from Cabinet Member
	The Cabinet Member Development and Safety responded that this was because there was currently no proposed TRO. If the Boots Corner trial was made permanent, there would be a standard consultation process and a TRO, following the correct protocol. At this stage, the question was hypothetical.
17.	Question from Alan McDougall to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Minutes from a meeting of SPRA on 26th September 2019 state that a TRO is being proposed that will restrict traffic entering St Paul's Road from Clarence Square. There has been no inclusive consultation with residents of Clarence Square or surrounding streets regarding the proposed TRO. The south side of Clarence Square comes under the ward of St Pauls, as does Monson Avenue and Wellesley Road, however the majority of Clarence Square is in Pittville and to the best of knowledge there has been no advice given to local residents on the details of the proposal by either CBC/GCC in general or by Pittville's two CBC councillors specifically.
	In view of the fact there is a backlog in dealing with TROs will you confirm that in the interests of transparency all residents in these adjacent areas will be consulted prior to any agreement by CBC/GCC being made to the current proposal?
	Response from Cabinet Member
	As noted in Qu 15 below, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any formal proposal is being actively

	considered.
18.	Question from Alan McDougall to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	<p>The 'trial' closure of Boots Corner having led to increased traffic flows on the south side of Clarence Square and St Pauls Road itself as traffic avoids congestion on St Margarets Road A4019 has undoubtedly led to increased levels of NO2 in these residential streets thereby endangering public health. While the proposal to make St Pauls Road a one way system is probably intended to reduce traffic volumes the TRO is in fact being considered in isolation to present and future impact on these adjacent streets.</p> <p>Will you confirm that any increase to traffic volumes for Monson Avenue, already impossible to negotiate at peak times/weekends and seasonal extremes such as Christmas due to vehicle blockages at the NCP carpark entrance/exit and those planned for the imminent development of Portland Street/North Place carpark have been factored into the overall modelling success of the proposed scheme?</p>
	Response from Cabinet Member
	As I am not aware of any TRO proposal relating to St Paul's Road, other than a pedestrian crossing, I am unable to advise upon any traffic modelling that has or is taking place.
19.	Question from Robert Lees to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Could I please ask you to let me know where I can see the final details of the proposal that a TRO will restrict traffic access from Clarence Square into St. Paul's Road following the announcement made by Councillor Bernard Fisher at the SPRA meeting on 26/09/2019.
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road.
20.	Question from Robert Lees to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	With regard to the proposed TRO mentioned above, when will there be a public consultation so that concerned residents can express their views.
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any proposal is being actively considered.
21.	Question from Dr Charles Garcia-Rodriguez to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	<p>Regarding the proposed closure of the Clarence Square access to St Paul's Road.</p> <p>Given that drivers will seek other routes if there is a traffic restriction, are physical measures proposed to stop vehicles using the narrow mews road of Clarington Mews as a cut-through to travel between Clarence Square and Wellesley Road and then to St Paul's Road in a similar way as further north a narrowing along Wellesley road restricts cut through traffic to and from Wellington Road and Wellington Square?</p>
	Response from Cabinet Member

	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road.
22.	Question from Dr Charles Garcia-Rodriguez to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Regarding the proposed closure of the Clarence Square access to St Paul's Road. I am a resident who lives approximately 100m from the proposed traffic restriction and as such will be profoundly affected by it. Why have I had no formal notice from the council or any other public body about this nor any ability to influence or modify the proposal?
	Response from Cabinet Member
	I can only assume that you have not been notified because no such formal proposal is being pursued. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any proposal is being actively considered.
23.	Question from Sock Koh to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	What models of traffic flow have been or will be done to study the impact of this proposed TRO?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road and consequently I am not aware of any traffic modelling being undertaken regarding this proposal.
24.	Question from Sock Koh to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	What proper & meaningful consultations will be done with communities that will be affected by this TRO?
	Response from Cabinet Member
	I am confident that GCC will, through Councillor Fisher, engage with residents and CBC on matters affecting them when any formal proposal is being actively considered.
25.	Question from Barbara Lees to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Re the proposed TRO restricting traffic entering St Paul's Road from Clarence Square, what consideration has the council given to public safety in the narrow streets that will become rat runs if this proposal goes ahead?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. However, I can advise that a key component of any TRO consideration is safety and any proposals will be subject to a 'road safety audit'.
26.	Question from Barbara Lees to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	I live in Clarington Mews and I would like to know when I will be consulted on the above proposal as I am bound to be materially affected by any changes.
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC will, through Councillor Fisher, engage with residents and CBC on

	matters affecting them when any proposal is being actively considered.
27.	Question from Tom Perris to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Regarding TRO in Clarence Square Are there plans to have a public consultation on any proposed alteration of traffic flow to involve residents who will be affected by them?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any proposal is being actively considered.
28.	Question from Tom Perris to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Regarding TRO in Clarence Square Has there been an assessment of the impact on surrounding streets, both main and residential with inevitable increased traffic and, given that local residents know little of this proposal, what measures are proposed to stop traffic using the cut-through routes, for example, via Clarington Mews?
	Response from Cabinet Member
	As noted in Qu 15 I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any proposal is being actively considered.
29.	Question from Roland Jones to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	I understand from the announcement by Cllr Fisher at the SPRA meeting on 29/09/2019 that a TRO is being proposed to restrict traffic entering St Paul's Road from Clarence Square. Where can we find the precise details of the proposal? e.g. There will be an obvious effect on traffic going up Monson Avenue. Currently the lights only let 5 vehicles through at a time.
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any proposal is being actively considered.
30.	Question from Roland Jones to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	What consultation will there be? And with whom?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any proposal is being actively considered.
31.	Question from Edward Hignett to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	I understand from an announcement made by Councillor Bernard Fisher

	<p>at the SPRA meeting on the 26th September 2019 that a TRO is being proposed that will restrict traffic entering St. Pauls Road from Clarence Square. This will be handled by Highways of Gloucester County Council but affects a great number of residents in Cheltenham and thus is also a Borough matter. Please let me know where to find the details of this proposal and the traffic modelling that will accompany any such proposal.</p>
	<p>Response from Cabinet Member</p>
	<p>As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any formal proposal is being actively considered.</p>
32.	<p>Question from Edward Hignett to Cabinet Member Development & Safety, Councillor Andrew McKinlay</p>
	<p>In regard to the proposed TRO to restrict traffic flow from Clarence Square into St. Pauls Road, please let me know what pre-TRO consultation with the large number of residents in the surrounding areas that will be affected are to take place and how and more importantly when will this be conducted?</p> <p>As a resident of Wellesley Road I foresee, as a result of this TRO, increased traffic on my road which is without pavement and unsuited to fast driving. During the recent road closure on St. Pauls Road for the street party Wellesley Road became a rat run of speeding traffic. Wellesley Road is also regularly used by parents and young children coming and going to Dunalley school. Also Clarington Mews which is a single track lane would also become a rat run should the proposed TRO go ahead.</p>
	<p>Response from Cabinet Member</p>
	<p>As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any formal proposal is being actively considered. My understanding is that County Councillor Fisher has been liaising with GCC highways colleagues over a lengthy period regarding adjustments to St Paul's Road. Whilst initial ambitions included a '20mph' zone and access restrictions we understand that at this time the request will focus solely upon the installation of a pedestrian crossing in St Paul's Road near the entrance to the University.</p>
33.	<p>Question from Chloe Skinner to Cabinet Member Development & Safety, Councillor Andrew McKinlay</p>
	<p>In regard to the proposed TRO to restrict traffic flow from Clarence Square into St Pauls Road, please let me know how this will affect the traffic flow along Wellesley Road. We are concerned that Clarington Mews and Wellesley Road will become a rat-run for traffic. These two roads are unsuitable for anything other than light traffic.</p>
	<p>Response from Cabinet Member</p>
	<p>As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any formal proposal is being actively considered.</p>
34.	<p>Question from Stacey Reynolds to Cabinet Member Development & Safety, Councillor Andrew McKinlay</p>

	I understand from an announcement made by Counsellor Bernard Fisher at The SPRA Meeting on 26 September that a TRO is being proposed that will restrict traffic entering St Paul's Road from Clarence Square. This will be handled by Highways of Gloucestershire Council but affects a number of residents of Cheltenham and thus I feel is also a borough matter. Please can you advise where I can find the details of this proposal and the traffic modelling that will accompany this proposals?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC will engage with residents and CBC on matters affecting them when any formal proposal is being actively considered.
35.	Question from Stacey Reynolds to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	In regard to the proposed TRO to restrict flow from Clarence Square into St Paul's Road, please let me know what pre-TRO consultation with the large number of residents in the surrounding area that will be affected are to take place and how and when they will be conducted?
	Response from Cabinet Member
	As noted in Qu 15, I am not aware of any proposed TRO to restrict traffic flow from Clarence Square to St Paul's Road. I am confident that GCC, through Councillor Fisher, will engage with residents and CBC on matters affecting them when any formal proposal is being actively considered. My understanding is that County Councillor Fisher has been liaising with GCC highways colleagues over a lengthy period regarding adjustments to St Paul's Road. Whilst initial ambitions included a '20mph' zone and access restrictions we understand that at this time the request will focus solely upon the installation of a pedestrian crossing in St Paul's Road near the entrance to the University.

8. MEMBER QUESTIONS

1.	Question from Councillor Mason to the Cabinet Member Clean and Green Environment, Councillor Coleman
	In the past few months numerous Lansdown residents have complained about missed collections both wheelie bin and recycling. They demand better, or at the very least that the standard of service meets those of any contract agreed with UBICO. Is there a penalty clause within the contract that provides a refund if standards are not meet? If so could the cabinet member confirm whether such discussions have started?
	Response from Cabinet Member
	Ubico Limited, our service provider, has experienced driver shortages over the summer period, as have other local authorities and service providers across the country, due to the national shortage in appropriately qualified HGV drivers. Unfortunately, this has resulted in some incomplete rounds and more properties missed by inexperienced agency drivers, who may not stay with Ubico for very long and do not become familiar with the rounds. Ubico is working with the Council to recruit more drivers and in fact, is looking to train

	<p>up an internal pool of agency drivers themselves, to overcome this difficulty in the longer term. In the meantime, measures have been put in place to try and reduce the impact on collections for residents in the short term and hopefully this will secure an improvement.</p> <p>If any residents are experiencing regularly difficulties with missed collections, these should be reported to cleansing@cheltenham.gov.uk</p> <p>Ubico Limited is a teckal company, wholly owned by local authorities. Cheltenham Borough Council pays a contract sum, agreed each year with Ubico, to deliver environmental maintenance services across the borough. Therefore, there is a more flexible partnership arrangement in place than a private sector contractor relationship, where penalty clauses might be more appropriate.</p>
2.	Question from Councillor Harman to the Cabinet Member Development and Safety, Councillor McKinlay
	<p>The Economic, Infrastructure and Skills Committee of the Welsh Assembly has called upon the Welsh Government to ensure that new housing development should include provision for electric vehicle charging. Will the Cabinet Member consider how Cheltenham Borough Council can use its powers to promote similar provision for new housing developments?</p>
	Response from Cabinet Member
	<p>The National Planning Policy Framework (NPPF) encourages planning applications to be designed to enable charging of electric vehicles and JCS Policy SD4 requires development to “Incorporate, where feasible, facilities for charging plug-in and other ultra-low emission vehicles”.</p> <p>Local planning policy has to take its lead from national policy and guidance. In this context, the council can encourage, but not compel applicants, to include provision for electric vehicle charging. Officers will monitor national policy and look to strengthen the council’s position when the opportunity arises. In any case we will be lobbying government on issues such as this to allow us to strengthen policy where appropriate.</p>
3.	Question from Councillor Harman to the Cabinet Member Development and Safety, Councillor McKinlay
	<p>When will Cheltenham Borough Council require Taxis and Private Hire vehicles that it licences to be carbon neutral?</p>
	Response from Cabinet Member
	<p>CBC introduced tighter environmental standards for taxis and private hire vehicles in 2018 and these must now meet a minimum Euro 5 emission standard for new licences, or when vehicle are replaced. The policy is next scheduled for updating in 2021 and we will start consultation with stakeholders, including the taxi trade next year in relation to this.</p> <p>I can confirm that we will be taking account of commitments in relation to the climate emergency and our aspirations for carbon neutrality for the borough by 2030, as part of that policy review.</p>
	Supplementary Question
	<p>Given that we have powers as a council relating to licensing and planning, do you think that the timetable set out could be sped up?</p>
	Response from Cabinet Member
	<p>The Cabinet Member Development and Safety responded that the three year</p>

	<p>review timetable set out was governed by statutory requirements. He added that when the O&S called in for review the policy on strengthening of controls on taxi emissions, the concerns were around over-regulation rather than under-regulation. He stressed that he was pleased by this shift in thinking.</p>
4.	<p>Question from Councillor Britter to Cabinet Member, Development & Safety, Councillor McKinlay</p> <p>Overgrown grass verges and central reservations along the busy A40 are “an accident waiting to happen” because they haven’t been cut. That is the claim from residents in Benhall. Some say the verges have grown so high that this situation could create a safety hazard.</p> <p>I appreciate that this authority is not responsible for roadside verges but with no cutting taking place this season is this residents and visitors have to expect on this main gateway into our town.</p> <p>Does this mean we have to accept a second class service from now on?</p>
	<p>Response from Cabinet Member</p> <p>I understand that grass cutting did not take place as scheduled by GCC as a result of the Highways England works on the Golden Valley.</p> <p>Grass cutting works were ‘suspended’ to facilitate the wider Highways England (HE) delivery strategy. Full grass cutting would have necessitated lane closures on routes already heavily impacted by the HE closures so over the summer grass cutting was restricted to roundabouts and visibility splays, which were cut for safety reasons. Now that HE has concluded that phase of the maintenance project, GCC will be re-instating the usual grass cutting regime this autumn.</p>
	<p>Supplementary Question</p> <p>The highways were not referred to in the reply. Despite the carriageway fully reopening in August, the verges have still not been maintained in mid-October. Does the Cabinet Member agree that this is unacceptable for a main artery leading into our town, and will he press GCC for an urgent response?</p>
	<p>Response from Cabinet Member</p> <p>The Cabinet Member Development and Safety responded that the answer was provided by GCC. Given the time lapse referred to, officers would be instructed to take up the issue with their GCC counterparts, and hopefully a solution would be found in the near future.</p>
5.	<p>Question from Councillor Cooke to Cabinet Member, Development & Safety, Councillor Andrew McKinlay</p> <p>Given changes in shopping habits and the decline of the high street, what plans does Cheltenham Borough Council have to recategorise retail space in Cheltenham town centre for residential use?</p>
	<p>Response from Cabinet Member</p> <p>Changes in retail habits and the associated impacts on Town Centres are well documented. CBC does not categorise land uses as such – rather, the land use is determined by existing uses and relevant permissions. There are a number of initiatives underway to proactively manage change on the high street including:</p> <ul style="list-style-type: none"> - The emerging Joint Core Strategy (JCS) will contain new policy on retail and town centres;

	<ul style="list-style-type: none"> - Ongoing proactive work is taking place with the Cheltenham BID, Landlords and other interested parties, to enable mixed use developments on the high street where appropriate and reduce vacancy rates; - Investments in the public realm in the Town Centre will enhance the experience for visitors, residents and the wider public; - Supporting development/redevelopment in the town centre through the development management process (recent examples include Metrobank, redevelopment at the rear of Regent Arcade, redevelopment of the Quadrangle, Oriel House change of use from business to residential). <p>Importantly, the work above and other initiatives are likely to encourage mixed use on the high street (a component of which will be residential) rather than conversion of retail to residential alone.</p> <p>The General Permitted Development Order (GPDO) already allows for a range of changes of use on high streets (for example retail to residential, in principle) without the need for planning permission.</p>
	Supplementary Question
	Would the council support initiatives such as having retail downstairs and living space upstairs as a way of regenerating the town?
	Response from Cabinet Member
	The Cabinet Member Development and Safety responded that the council does support this, citing the example of phase two of the Brewery. Part of its development brief was to encourage the development of new accommodation in the town centre. He also pointed to the regeneration of the lower high street, where unused retail accommodation was converted into living space.
6.	Question from Councillor Cooke to Cabinet Member, Development & Safety, Councillor Andrew McKinlay
	Although not as good for personal fitness or the environment as walking or cycling, electric powered scooters are being used as a means of reducing private car use in continental cities including Paris, Madrid and Lisbon.
	What is Cheltenham Borough Council's position on the use of electric scooters in Cheltenham?
	Response from Cabinet Member
	On the face of it, any form of transport which helps reduce private car use and the associated carbon emissions is to be welcomed. Provided they are ridden with care and at a sensible speed within pedestrianised areas, scooters should not give rise to a significant risk, but my understanding is that they cannot be used legally on the highway. Enforcement in relation to this matter rests with the police.
	In future, it is my ambition that we will have better segregated cycle-ways within the town and CBC has been lobbying for these through its consultancy work with transport specialist 'Systra' and associated discussions with the Highways Authority, Gloucestershire County Council.
	Supplementary Question
	You responded that electric scooters are acceptable provided they do not pose a risk to pedestrians. However, under the Road Traffic Act scooters are

	illegal both on pavements and the road, and pose a risk to pedestrians on the pavement. Would the council endorse a change in the law which would allow the use of scooters on cycle ways?
	Response from Cabinet Member
	The Cabinet Member Development and Safety responded that there was not a simple answer to this. The types of scooters the Member mentioned were indeed illegal, though scooters used for aiding those with disabilities were within the law. The question of legality was also one of safety, and the council would not endorse any change that caused a risk to the public. The council could not enact relevant legislation changes itself but supported the general principle of moving people away from cars onto eco-friendly modes of transport, as long as public safety could be assured.

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 Göttingen that has a fantastic green action plan.

The Executive 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.**

10. APPOINTMENT OF A NEW CHIEF EXECUTIVE/HEAD OF PAID SERVICE

This item was taken in open session as announced by the Mayor at the start of the Council meeting.

The Chair of the Appointments and Remuneration Committee introduced the report and explained that an Appointments & Remuneration Sub Committee was established in August 2019 to progress the recruitment of the new Chief Executive. Penna, a recruitment consultancy, was engaged and advised the Sub Committee throughout the process including recommending suitable candidates for short-listing, the interview process and advising on final selection for appointment. She explained that to further

enhance the recruitment process and to ensure that as much information as possible was available to the Sub-Committee, key stakeholders were invited to meet the short-listed candidates as part of the interview process.

Six candidates were short-listed and undertook a technical assessment interview. At the Sub-Committee meeting on the 26th September 2019, a report from Penna was considered, with feedback from the technical assessment interviews. The Sub-Committee agreed unanimously that two candidates be shortlisted to progress to the final interview stage on 1 October which comprised a panel exercise and involvement of local community and business leaders as well as Members and the Executive Leadership Team over lunch.

The Chair of the Appointments and Remuneration Committee reported that the Sub-Committee was unanimous in its decision that, subject to the approval of Full Council, Gareth Edmundson should be offered the post of Chief Executive and Head of Paid Service and outlined the reasons why. It was also agreed that the post would be offered on the agreed salary of £113,403 rising subject to satisfactory performance to £116,254 after 6 months in post.

She explained that the Chief Executive was accountable to the whole Council and the Leaders of each of the council's political groups would be responsible for monitoring performance through regular 1-2-1 meetings as well as through the annual appraisal process.

She confirmed that, in accordance with the constitution, the Leader and Cabinet were informed of the recommendation and gave their consent to the appointment.

Finally, she wished to put on record to the HR Manager, Julie McCarthy, for her advice and guidance throughout the process.

The Leader added that he had observer status on the Sub Committee and confirmed he had been consulted on the appointment. He wished to thank all involved in the process. He fully endorsed the recommendation and believed Gareth Edmundson had the right skills and experience for the role.

The Mayor also wished to put on record his thanks to the Appointments and Remuneration Sub Committee for their significant involvement.

RESOLVED (unanimously) THAT

- 1. the position of Chief Executive and Head of Paid Service be offered to Gareth Edmundson.**
- 2. the post be offered on the agreed salary of £113,403 rising (subject to satisfactory performance) to £116,254 after 6 months in post.**
- 3. the Chair of the Sub-Committee, in conjunction with the HR Manager, be authorised to finalise the arrangements and agree the start date for the Chief Executive and Head of Paid Service.**

The meeting adjourned at 4.30 pm

The meeting reconvened at 4:50 pm.

11. APPOINTMENT OF THE ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

The Chair of the Appointments and Remuneration Committee reported that these positions were both a statutory and constitutional requirement. She proposed that Paul Jones, Executive Director Finance and Assets, take on the role. She clarified that this would be independent and separate from his other roles at CBC, and that he would work closely with the council's elections team. Consultation had taken place with Paul Jones, and he had agreed to accept.

Members endorsed the proposal.

RESOLVED THAT

the Executive Director Finance and Assets, Paul Jones, be appointed as Electoral Registration Officer and Returning Officer for the Borough Council with immediate effect.

12. TREASURY STRATEGY STATEMENT & CAPITAL STRATEGY 2019/20

The Cabinet Member Finance reported that the Treasury Strategy had been approved by full Council in March 2019. She emphasised that she was not revisiting the entire strategy, just requesting Members to approve small changes made since then. CBC had been focussing to a greater degree on investing in property within its boundary to generate a commercial yield in order to compensate for central government spending cuts.

She emphasised that Cabinet felt that 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 has seen a place focused investment approach offering long term investment, income through rents as well as other social and financial benefits.

She welcomed the fact that this authority was proposing to become the first council to lend via the award winning local business to business lender FOLK2FOLK, to help local small to medium size enterprises with straightforward access to finance to support their business growth. FOLK2FOLK matches local businesses looking for finance to grow, with investors looking to receive a return on their investment. By becoming a FOLK2FOLK lender, the council would be able to invest money locally whilst also benefitting local businesses.

She explained that more than £300 million of investor funds have been injected, via the Folk2Folk platform, into local businesses across a variety of sectors. There was often a flow-on of benefits to the wider community resulting from local investment, for example in the form of job creation, retention of local talent and the shoring up of local supply chains, but it could also attract visitors to the area, and result in improvements to local

facilities and services; all of which contribute to the sustainability of healthy local economies which are essential for Britain's future success.

The Cabinet wished to provide investment of up to £75,000 with FOLK2FOLK Interest rate returns of between 4.5% and up to 9% per annum could be achieved, but the aim was to help the businesses to start, grow or diversify, buy an asset or boost working capital. In return for investment, security against the asset would be provided.

She explained that if proposed investments were to be made other than on market terms, there would be state aid considerations, about which advice would be sought from One Legal before making the investment.

In addition, Cheltenham Borough Homes were currently pursuing a wide range of opportunities to deliver additional affordable housing within the Housing Revenue Account, as agreed by Full Council in October last year, Cheltenham Borough Homes were seeking to borrow from the Council up to £100m drawn down over the next 10 years.

The Cabinet Member Finance explained that modelling of the Private Rented Sector Initiative was carried out using a range of assumptions and, following further legal advice on state aid issues, it became clear that loan support from the Council needed to be restricted to 90% of acquisition costs and 75% of development costs. Officers from both the Council and CBH, working with their legal advisors, have recommended an innovative solution whereby the balance of required funding is provided by the Council through equity investment in the form of an unsecured loan note. Specialist legal advice has been received that the proposed equity funding agreement constitutes "Financial Assistance". She outlined the proposed terms for the Equity Funding Agreement as follows:

- Investment to be made in tranches accompanying loan advances as required.
- Return on investment to be calculated as 5% of turnover (after voids), equivalent to initial 2.5% p.a. This would rise marginally each year in line with rent increases.
- Repayment of investment triggered by disposal of property – CBC to receive premium on repayment, calculated as 25% of capital gain.
- Option to refinance through loans in the future should the capital appreciation of the property be sufficient to keep total loan below 90% of value.

She explained that a new venture in a competitive market, and it was essential that early results were closely monitored to ensure that acquisitions are meeting targets set in the investment template. The cash flow position would determine the pace of investment and this would be reviewed regularly to inform annual investment plans

The Cabinet Member then went to explain that the current HRA capital programme for 2019/20 and projections for 2020-22 were approved by Council on 18th February this year. These included the budgets for new supply. She explained that estimates were only based on schemes that were currently in progress. The report also confirmed that additional schemes would be brought forward during the period as new sites were identified. Contingency sums for market acquisitions and the purchase of new affordable units provided through Section 106 planning agreements were included in the overall budgets.

She stated that following the removal of the HRA debt cap last year it was anticipated that the Council would be able to significantly increase the scale of new build subject to the identification of appropriate sites and financial viability.

She reported that CBH was currently pursuing a wide range of opportunities to deliver additional affordable housing within the HRA. These included :

- Further development of Council owned sites, Acquisition of land for development, Acquisition and refurbishment of market properties, Purchase of Section 106 units from developers & Regeneration of existing sites.

As a result of progress to date it was now recommended that Council approve a significant increase in new supply budgets as follows:

2019/20 £8,700,000

2020/21 £20,000,000

2021/22 £30,000,000

2022/23 £25,000,000

It was anticipated that this investment could provide up to 500 new homes, but the timing of delivery would be dependent on issues such as the success of competitive bids, negotiating deals, obtaining planning approvals and the availability of Homes England grant.

This exciting programme would be complemented by the imminent start of the CBH private rented initiative which was being supported by Council finance.

The updated Treasury Management Strategy Statement and Capital Strategy have been recommended for approval by the Treasury Management Panel at its meeting on 23rd September 2019 to Council.

The Treasury Management Panel met regularly in order to monitor the performance of investments which need to be matched with performance against the corporate strategy action plan to ensure that resources are used to best effect and prioritised.

The Cabinet Member reported that in addition, treasury management activity and performance was reported quarterly to Cabinet as part of the budget monitoring report which was scrutinised by the Budget Scrutiny Working Group.

Members made the following comments:

- The strategy was supported, suggesting that it offered both a return on investment and strong support for the local community. It was asked whether it might be wise to attach conditions for investment: for example, that possible partners are required to meet certain environmental goals in order to qualify. He praised the continually increasing amounts of money invested.
- Reference was made to the trading losses suffered by Folk2Folk in the last few years and asked what would happen to the platform as a whole if the organisation were to continue to struggle. The Cabinet Member Finance responded that the partnership would be continually evaluated.
- A question was raised as to whether there was a risk involved in getting around the 90% lending limit. The Executive Director Finance and Assets, responded that the Council had consulted its legal advisors, and assured Members that the solution did meet legal requirements. The council could not offer a 100% loan because it would be considered state aid. Therefore a 90% loan and 10% investment was considered instead, or alternatively a 75% loan and 25% investment. He added

that housing was generally regarded as one of the most secure forms of investment.

- A Member welcomed the investment in social housing. He suggested that the report should have had a greater focus on indirect environmental consequences of council policy, though he acknowledged its referral to direct consequences.
- A Member queried the Folk2Folk connection, asking how the assets would be valued. He asked whether the 1% increase in the Public Works Loan would apply to the deal. The Cabinet Member Finance reported that it would, and that she had been surprised by news of the loan increase. She reported that CBH were looking at the figures and considering their position.
- A Member asked whether the strategy of building more homes might be reconsidered, in light of the climate emergency. The Cabinet Member Housing stated that the wider benefits outweighed the costs.
- It was asked whether the report was targeted as accurately as possible at the private rental sector. He asked whether there was any flexibility with regards to the 5 mile limit for FOLK2FOLK investment as detailed at paragraph 2.3 of the report and proposed an amendment to state that the limit would be within an approximately 5 mile radius. . The Head of Law advised that that a change could be made. The alteration of the recommendation regarding the 5 mile radius was unanimously approved.
- Clarification was sought as to how the increase in the interest rate on the Public Works Loan was made, making it more expensive to invest. The Cabinet Member Finance responded that this was the decision of the Treasury.

RESOLVED (unanimously) THAT

- 1. The updated Treasury Management Strategy Statement 2019/20 as shown at Appendix 2 to include £10m equity funding to Cheltenham Borough Homes and £75k investment through Folk2Folk for a peer to peer lending scheme be approved.**
- 2. The Authority enter into an equity funding agreement with Cheltenham Borough Homes.**
- 3. The authorised borrowing limit and operational boundary limit be increased to the new levels as shown in Appendix 2 – table 7.**
- 4. the revised HRA capital programme for 2019/20 to 2021/22 as shown at Appendix 4 be approved.**

13. CHELTENHAM PLAN MAIN MODIFICATIONS REPORT

The Cabinet Member Development and Safety introduced the report. He explained that the report sought authority to consult on Main Modifications to the Cheltenham Plan, following an examination into the Pre- Submission Cheltenham Plan by the Planning Inspectorate in February 2019.

He highlighted that work to progress the development of the Cheltenham Plan had been underway since 2012 and following Pre-Submission publication in early 2018 the Cheltenham Plan was submitted to the Planning Inspectorate for independent examination. Public hearing sessions were held for six days during February 2019. Following the close of the hearing sessions the Inspector provided the Council with a

Post Hearing Advice Note. The note raised a number of concerns around the Leckhampton School Site, Landsdown Industrial Estate, Oakhurst Rise and Local Green Space. He advised that officers had responded to the Inspector's advice note and outlined proposed actions in consultation with the Planning and Liaison Members Working Group and no objection to those actions had been raised by the Planning Inspector. The work proposed in the Inspector's Advice Note had therefore been undertaken and were reflected in Appendix 2.

The significant changes were as follows:

- Leckhampton School Site – a modification was required to ensure that the new secondary school could come forward in a way where it was capable of being delivered. This would in effect move the location of the school building to GCC owned land that had been previously designated as Local Green Space, this would increase the potential for housing on the Leckhampton Green Fields by 150. He noted that at a previous debate it was agreed that there was the potential for 400 houses on that site but because the school was to be located on part of it, that was going to be reduced to 250. He confirmed that GCC's decision to move the location of the school building now meant that site would return to a capacity of 400. He highlighted that the changes had been made as the inspector had recognised that CBC had no direct input other than as a consultee.
- Landsdown Industrial Estate – explained that the owners of the industrial estate were very happy for it to be re-designated as housing but were not putting forward any timescale for doing this and it therefore couldn't be included in the housing supply calculations.
- Oakhurst Rise – following the dismissal of the planning appeal, the inspector had asked CBC to look again at the capacity for this site. As a result, the policy had been revised to require a Masterplan to be included in any new applications that recognised the constraints of the site. A minimum number of 25 dwellings had also been included in the policy which was largely in line with what the planning committee had agreed as acceptable.
- Local Green Space –the inspector had requested that the council re-look at the Local Green Space and put forward her own qualifying criteria by which these should be addressed. A re-assessment exercise had taken place based on the new criteria and a number of sites had been removed from the Green Space allocation due to the lack of evidence to meet the new criteria. He confirmed that as a result, 16 sites were now being recommended for Green Space designation and those spaces that had been removed still retained their existing protections under the public green space policy. The Local Green Space designations at Swindon Village and Leckhampton remained largely in place with some alterations to comply with the inspectors criteria.

The Cabinet Member highlighted that there had not yet been an allocation for Green Space at the West Cheltenham development because at this stage the proposals were not sufficiently detailed enough to bring forward accurate plans for what would be designated. The Local Green Space allocation was being worked up as part of the masterplanning exercise that was taking place at present and they expected that to come back as a separate SPD.

He confirmed that the Main Modifications required a minimum six-week period of public consultation and subject to Council's approval, consultation would commence in November 2019. Following the close of the consultation all of the responses would be

collated and sent to the Inspector who would then prepare a final report on the Cheltenham Local Plan and determine whether the modifications made it legally sound. By not having an approved plan they ran the risk of developers putting forward applications that the council were less able to defend. The anticipated adoption of the plan was spring 2020. He stressed that making future developments carbon neutral was key to meeting the council's 2030 target, however, the current policy was not in a position to facilitate that as it relied on central government legislation. He hoped that the government would in the future amend its legislation so that the council would be in a position to amend the policy going forward and push for higher standards.

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

- They questioned whether the council intended to adopt the March 2015 DCLG technical housing standards.
- Regarding policy HD1, Christ College site B, one Member felt that the site description was inaccurate as it stated that the playing field was unlikely to come back in to use. They highlighted that there was a school for pupils that had been excluded directly adjacent to the site and their only external space was a multi-use games area. They, therefore, felt that the playing field could be used by the school if they entered in to some sort of agreement with the landowner. They also queried the source of the contaminated land. A Member had further concerns about the traffic lights at Gloucester Road and Tewkesbury Road and the fact they were already at full capacity and felt that there needed to be a further requirement that developers would pay for any signalling required.
- The Cabinet confirmed that they were hoping for some significant improvements in what was and wasn't required at West Cheltenham in terms of Local Green Space prior to the final document coming forward.
- One Member felt that one of the key ways that CBC could address the climate emergency was through planning policy and questioned what the Council were doing to raise this issue with national government.
- One Member wished to place on record their thanks that Cirencester Road had still been included in the Green Space allocation.
- Regarding Leckhampton Green Space, it was noted that there was significant development in that area and one Member was concerned that housing numbers hadn't been reduced on the Shurdington Road site to allow for the Green Space that was proposed on the senior school site. They felt that there was no significant, useable Green Space in the area and would have liked to see some inclusion of a proper park in that area.
- One Member had concerns about the number of brownfield sites in the town being used for retired properties and noted that there were a number of young professionals who couldn't afford to buy property in the town. They felt that the Council needed to lobby central government and safeguard some land in the urban centres for working age people.
- Members congratulated the planning team on their response to the inspector and the thorough consultation process.

- One Member questioned whether MM001 related only to things within the control of the borough or if it would apply to private open green space and if so, they suggested including it within the definition.
- On MM16, Oakhurst Rise, one Member requested that the section referring to Oakhurst Rise having good transport links be removed as they felt this was not factually correct given its location.
- One Member requested that supplementary flood risk guidance be produced which they felt would be beneficial given that flooding was an increasing problem in Cheltenham.
- Regarding MD3 Coronation Square and MD4 Royal Well, one Member wanted to clarify that mixed use did not rule out residential and felt it important that we retain residential as an option within mixed use developments.
- One Member had serious concerns around housing supply, they noted that they were over providing by over 700 houses in the whole plan period although it could not be guaranteed that that many houses were deliverable in the next 5 years. They questioned the number of houses difference between the 5 year supply and the 4.6 year supply and queried why the proposed houses at Bouncers Lane, North Plan, Portland Street and Leckhampton didn't fall within the 5 year supply.
- Regarding the allocation at the Northern Fields and Leckhampton, one Member noted that the previous scheme would have been preferable with the school on the Northern Fields and fewer houses. They questioned whether, if the school didn't go ahead, the land would revert back to Local Green Space.
- They felt that the planning committee needed to impose more conditions when granting planning applications given the climate emergency.
- They questioned the connection between the transport plan and the main modifications report.
- Councillor Clucas wanted to put on record her thanks to Helen Wells, Aaron Stibbey, Swindon Village Parish Council, Save the Countryside, Councillor Fisher, Councillor McKinlay and the officers for their efforts in Swindon Village. She also thanked the residents of Swindon Village who wrote in with letters of support for what the council wanted to do.
- One Member noted that the green space near Battledown Park could not come under this plan as there was still ongoing building work but they wanted to ensure that this area was not missed in the future. Similarly, some existing playgrounds, in particular Ewens Farm play area had also been missed. They questioned whether a process needed to be put in place to ensure that they didn't get missed in the future.
- One Member was of the understanding that as per the 2017/2018 amendments to the NPPF, anything that was an outline application didn't count towards the 5 year land supply and therefore reasoned that there were a considerable number of housing developments in Cheltenham that would not count.

The Planning policy officer offered the following responses to Members questions:

- He confirmed that they weren't looking at adopting the space standards within the Cheltenham Plan, because they didn't have the evidence to suggest that they

could impose it, and they would likely face a lot of back lash from the development industry if they were to do so without significant evidence. He confirmed that going forward, they could look to do that in the next iteration of the plan or in the JCS.

- With regards to Christ College, they had no indication that the landowner was looking at reusing the playing fields and they had supported the allocation of that site for housing. He stressed that it was a significant site within the town that could provide up to 60 houses. With regards to the contamination, at this stage of the plan they hadn't looked exactly at what was there, and a more detailed inspection of the site would come forward at the planning application stage. With regards to access to the site, he confirmed that they had consulted with GCC throughout the Local Plan process and in their opinion, there were mitigation measures that could be put in place to resolve the issues. He confirmed that, at the application stage the developers would have to pay some sort of contribution towards mitigation measures.
- He confirmed that you would not be able to designate Local Green Space at West Cheltenham through an SPD, however, they were hopeful that the masterplanning would provide enough protection and way to allocate useful Green Space. He explained that neighbourhood plans could also designate Local Green Space if necessary.
- With regards to switching Local Green Space in to the existing allocation in the North at Leckhampton, he advised that in order to allocate that as Local Green Space you would need significant evidence that isn't there at present. However, when the application for housing comes forward the developers are under obligation to provide open, public and green spaces for the community and the designs that had come forward included a significant amount of Green Space within it.
- He confirmed that the statements in MM001 apply to everything in the borough.
- He reasoned that removing the reference to good transport links for Oakhurst Rise would be a minor modification because it wouldn't make any difference to the policy itself.
- Producing a SPD on flood risk was a top priority for the planning team once they had capacity.
- He confirmed that mixed use does not exclude residential and they had to take the housing figures for Coronation Square and the other sites out of the plan because they did not have solid evidence that they would come forward.
- The difference between 4.6 and 5 years of supply was around 250 homes and the reason some of the sites weren't within the 5 year supply was because the most recent version of the NPPF had changed the definition of deliverable which has made it difficult to put lots of those sites in without evidence or up to date planning permissions.
- He confirmed that the land in MD5 South of Kidnappers Lane is for the school and the applications itself was for 350 houses North of Kidnappers Lane, he felt that the policy was strong enough to prevent any additional houses going on to those fields and they were extremely confident that the County Council were definitely going to build the school.

- The Head of Planning advised that in terms of retirement properties, there were a number that were empty and so he felt that the market would correct itself.
- The Local transport plan was due to be consulted on in Spring, and once adopted, would form part of CBC's development plan so would be taken in to consideration when making planning decisions.
- The 2019 NPPF states that if anything has outline permission, it should only be considered deliverable when there is clear evidence that housing completions begin on site within 5 years. Therefore, if it is only an outline application, the burden is on officers to go out and prove that it is likely to come forward in 5 years. It is possible to include outlines in the 5 year supply if the evidence is there.

Councillor Babbage informally proposed an amendment to remove policy HD4, Oakhurst Rise and add it on to the Local Green Space designation. He noted that the decision to leave it in as a residential site and not an LGS site meant that it had never been properly assessed for Local Green Space. He did not want to make a formal amendment, but hoped that Members would agree to carry out an assessment on the site for Local Green Space so that when they got to the latter stages of the process they would know whether it was suitable.

The Cabinet Member for Development & Safety highlighted that the intention was to protect as much Green Space as possible and that the proper mechanisms to ensure areas were not missed would need to be picked up by officers. He had concerns about accepting the proposed amendment as the planning inspector had specifically referenced Oakhurst Rise in her report and had already outlined what she thought the council needed do, he therefore could not support something that would negate what the inspector was saying.

On the point of HD4, the Head of Planning advised that in 2014/2015 there was a good amount of public consultation on Local Green Space and assessments were made that were then examined by the inspector. Policy HD4 Land at Oakhurst Rise had also been the subject of that consultation and so as it stands there was no evidence to support that as being a Local Green Space. As worded, policy HD4 retained the site as an allocated housing site but called for a masterplan to be developed for the site which would highlight all of the constraints on that site. He highlighted that there was considerable information that already exists that would enable a developer to come forward for that site, provide Green Space and protect the trees and heritage assets but also deliver housing in line with HD4. He confirmed that subject to the Council's decision, they would go out to consultation in November and December and collate all the consultation comments received, the comments would then be submitted to the local plan inspector who would confirm whether the plan was sound. Presuming the plan was deemed sound, it would come back to Full Council for a final decision, however, at this stage, it would not be possible to make changes to the policy or make decisions on what a piece of land should be used for.

The Leader highlighted that the Local Green Space reviews were carried out by the local community and therefore, it would be possible for the local parish council to conduct a review and submit this as part of the formal consultation process and explain their preference for the site.

Councillor Babbage formally proposed an amendment that was seconded by Councillor Harman, as follows:

To assess land at Oakhurst Rise (HD4) for Local Green Space designation, in parallel with the Cheltenham Plan.

The Cabinet Member Development and Safety rejected the amendment and felt that the Leaders suggestion was the appropriate way of taking the matter forward. He confirmed that the masterplanning would look at potential Green Space allocation on the site but would do so in the context of the agreed plan. He also confirmed that he was happy to remove the reference to good transport links for Oakhurst Rise as suggested during the debate.

Councillor Babbage withdrew the amendment on the understanding that outside Council they could progress the local Green Space designation and present it as part of the consultation process. The Cabinet Member agreed that this would be a sensible way forward.

The Cabinet Member agreed that the plan was not fit to drive forward the climate change agenda and that they were making representations to the LGA to lobby central government in this respect. He noted the contention around the fact that outline planning applications could not be included in the 5 year land supply as without a 5 year supply the council had considerably less control over what was allocated.

UNANIMOUSLY RESOLVED THAT

- **the proposed Main Modifications to the February 2018 Pre-Submission Cheltenham Plan as set out in Appendix 2 to this report (including proposed modifications to the Proposals Map and site maps/plans) as those it endorses and considers necessary to make the Cheltenham Plan sound be approved;**
- **Authority be delegated to the Director of Planning to make minor changes to the proposed Main Modifications and proposed modifications to the Proposals Map and site maps/plans in terms of formatting, presentation and accuracy prior to publication for consultation purposes.**

14. REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS

The Electoral Registration Officer, explained that the council had a statutory duty to review its polling districts, polling places and polling stations, to ensure that all electors had such reasonable facilities for voting as are practicable and to ensure that the polling stations were accessible to all electors including those

with special needs.

He reported that a consultation exercise had been completed and consideration had been given to the views put forward.

The ward Member for Battledown wished to put on record his thanks for the sensible proposal.

RESOLVED THAT :

1. **Battledown Ward - polling district BC be created to vote at Holy Apostles Primary School, Battledown Approach. Polling district BC to consist of the following roads that are currently in polling district BB:**
 - **Battledown Approach**
 - **Battledown Drive**
 - **Birchley Road**
 - **Harp Hill;**
27, 29, 31, 33, Ashwold House, Craigmount, Homewood, Rambling Views, Sherwood, The Heights, The Lodge, Whitefield House, Widecombe & Woodbank
 - **Oakley Road**
 - **Stanley Road**

2. **That the full list of polling districts, polling places and polling stations as set out in appendix D and E are published for a further period of six weeks, during which time individuals have the right to make representations to the Electoral Commission.**

15. REVIEW OF THE CONSTITUTION

The Cabinet Member Corporate Services introduced the report and explained the background to the recommendations from the Constitution Working Group as outlined in the report.

He also requested Council to determine criteria for submitting public questions –with the report suggesting that this should match the criteria for signing petitions as per the council’s petition scheme, i.e. to live, work and study in the borough rather than the current criteria which restricted it to borough electors.

Finally, the Cabinet Member Corporate Services wished to thank the Constitution Working Group for their input and the officers involved in bringing this report forward.

The following points were raised and responses given :

- The Chair of the Constitution Working Group referred to paragraph 6 of the report and requested that at its next meeting the group should consider the use of secret voting on appointments to outside bodies
- One Member welcomed the recent increase in the number of young people becoming involved in politics and so wished the criteria to include the under 18 age group. This was accepted by the Cabinet Member.

A discussion ensued on the criteria for submitting public questions and the following points were made:

- A Member highlighted the importance of scrutiny, accountability and transparency in the way the Council conducted its business. He observed that any politically motivated questions should be regarded as opportunities for the authority to explain why it was doing the things it was doing. He also observed the fact that Members themselves could generate public questions. He believed that a requirement of submitting a question should be to disclose a business address so that the relevance and potential political motivation could be determined. He also suggested that the 30 minute time limit for questions be enforced and if necessary questions prioritised.
- Lengthy preambles should be discouraged
- The 30 minute allocation to discuss public questions could be viewed as stifling debate
- Recognised that the timing required for submitting public questions was tight
- Where questions were not relevant to this authority, for example those at this meeting relating to the Traffic Regulation Order should be redirected to GCC. In response the Cabinet Member Development and Safety said that in this instance it was appropriate to provide answers to the questions and would reflect badly on the authority if they were disallowed.
- The Leader explained that in terms of supplementary questions the Cabinet always answered as best it could but there was always the possibility to provide an answer in writing if further information was sought.

The Chair of the Audit Committee wished to thank officers for bringing forward the proposal to change the name of the Audit Committee to the Audit, Compliance and Governance Committee which more accurately reflected the role of the committee. He wished to encourage other Members to gain a better insight into its work which ensured that the correct processes and compliance issues were in place.

RESOLVED THAT

1. The criteria for submitting Public Questions be revised to apply to those living, working and studying in the borough and included under 18s (Parts 4A, 4B, 4C and 4D)

2. The revised:

1.1 Procurement rules in Part 4I Contract Rules and Article 14 Finance, Contracts and Legal Matters

1.3 Amendments to the Appointment of Substitute Members of Committees (Parts 4A and 4C)

1.4 Amendments to Voting on Appointments at Council (Part 4A)

1.5 Petition Scheme (Appendix H)

be approved.

3. The change of the name of the Audit Committee to the Audit, Compliance & Governance Committee be approved.

4. The Chair of the Investigating and Disciplinary Committee or its equivalent be

given authority where appropriate and in a case of urgency to suspend a Relevant Officer(as defined by the Local Authorities (Standing Orders) (England) Regulations 2001).

5. Authority be delegated to the Borough Solicitor to make any textual or other amendments which are necessary to ensure accuracy, consistency and legality of the Constitution when incorporating the revisions authorised by Council.

16. ANNUAL REPORT ON OVERVIEW AND SCRUTINY

The Chair of Overview and Scrutiny, Councillor Chris Mason, introduced the report. He welcomed the acknowledgement by the authority that the Chair of O&S was an opposition Member. He referred to the valuable role of the chair's briefing group comprising himself, Councillor Sudbury and Councillor Payne who worked in a non political way. This way of working was very encouraging and he believed Overview and Scrutiny was now more effective as it posed challenging questions to both external guests and officers and requested concise reports in advance of scheduled meetings.

Finally, he wished to put on record his thanks to the Executive Director People and Change (ELT lead for scrutiny), Saira Malin, Democracy Officer and the Democratic Services team.

RESOLVED

To note the Annual Report of Overview and Scrutiny 2018-19.

17. NOTICES OF MOTION

Motion A

Proposed by Councillor Clucas

Seconded by Councillor Fisher

In view of the warnings issued by scientists in relation to Climate Change and its effects, including the IUCN report, that points out the threat to native trees, plants and species, this council recognises the importance of LGS. This has been reflected recently by government, both in the NPPF and Ministerial statements, which have underlined the importance of green space in fighting climate change,.

It therefore asks officers to prepare a draft plan, in conjunction with SVPC, to look at planting indigenous trees in the Swindon Village buffer zone to encourage species protection and population growth.

In so doing, the effect of carbon reduction, through green space and tree planting, be noted and the potential to reduce further be included in the local plan.

In proposing the motion, Councillor Clucas clarified that the IUCN was the International Union for Conservation of Nature which represented 15000 recognised experts in their field. She explained that their recent report indicated that 400 tree species were at risk

of extinction, including the horse chestnut. She believed there was an opportunity to enhance what Cheltenham did in terms of tree planting and biodiversity. In the light of a major housing development planned for Swindon Village she wished that every school child in the ward receive an oak tree to plant and take ownership of it by watching it grow, develop and mature. Whilst this was a ward issue, there was potential for tree planting in the whole of the borough and she aspired to receiving a road map illustrating how this could be achieved.

In seconding the motion, Councillor Fisher believed this was a great opportunity for young people to be involved in planting trees as a positive environmental contribution, particularly in Swindon Village which was faced with a major housing development.

Councillor Britter supported the motion but proposed an amendment to remove specific reference to Swindon Village and replace with “across the borough” as he believed this was such an important issue that it should be town wide. He welcomed the proposal to get children in the borough involved.

Councillor Clucas accepted the amendment which was incorporated into the substantive.

The amended motion was supported by Members, recognising its importance for the whole borough.

A Member highlighted the fact that Local Green Space represented a small subset of green space and wished to emphasise that the motion should focus on all green spaces around the town.

In summing up, Councillor Clucas thanked Council for its support of the motion which would be of great value to the town.

RESOLVED (with one abstention) **THAT**

In view of the warnings issued by scientists in relation to Climate Change and its effects, including the IUCN report, that points out the threat to native trees, plants and species, this council recognises the importance of LGS. This has been reflected recently by government, both in the NPPF and Ministerial statements, which have underlined the importance of green space in fighting climate change.

It therefore asks officers to prepare a draft plan, in conjunction with local community groups, to look at planting indigenous trees across the borough to encourage species protection and population growth.

In so doing, the effect of carbon reduction, through green space and tree planting, be noted and the potential to reduce further be included in the local plan.

Motion B

Proposed by Councillor Baker

Seconded by Councillor Wilkinson

This Council recognises the huge amount of damage caused by plastics. Experts warn that they are one of the greatest threats facing our seas and oceans. It is estimated that 300 million tonnes of plastics are produced each year and 5 million tonnes of this figure is used by the UK (Plastic Waste, 2019). Roughly half is disposable and enters landfill or into waterways leading to our seas and oceans.

The impact upon our seas and marine life is appalling, a quite shocking example being a sperm whale found washed up on a beach with 6 kilograms of plastic trash in its stomach comprised of 100 plastic cups, four plastic bottles, 25 plastic bags and hundreds of other pieces of plastic.

These figures are shocking. Across the world over 1 million plastic water bottles are purchased every minute while up to 500 Trillion plastic carrier bags are used per year in the world (UN Environment, 2019)

We all need to do our bit, at a personal level, at a business level and at a Local and National Government level.

The motion :

This Council pledges to remove single-use plastics from its own premises and to work with partner organisations such as Leisure@, the Town Hall, the Pump Room and others to persuade them to adopt the same approach by 30th June 2020.

This Council supports the local Plastic Free Community in all the work they are doing and will actively work with them and encourage them. In addition a Councillor will be nominated to serve on the Steering Group of Plastic Free Cheltenham.

This Council, working with Plastic Free Cheltenham, will investigate the introduction of a scheme for local businesses to commit to being single use plastic free, those businesses will be publicised on the Council web site and will receive a certificate for display in their premises or shop front.

Councillor Baker proposing the motion gave a brief introduction to the matter. He explained that a lot had already been done on the council to reduce its single use plastic consumption and the reason for the motion was that the council doesn't have a policy on the matter. He was presenting it on behalf of the Plastic Free Cheltenham group who did a lot of work throughout the town. He explained that Plastic Free Cheltenham needed to attain 5 pillars to achieve a plastic free community status and the adoption of the motion was one of those pillars. So far, 70 communities had achieved plastic free status and 500 more were on track to achieve that, and he felt it was important that Cheltenham followed suit. He stressed the importance of working with the group once they had achieved plastic free status to promote it around the town.

Councillor Wilkinson seconding the motion highlighted the import work that Plastic Free Cheltenham do, which included litter picks, and working with local businesses to encourage them to reduce single use plastic.

Members fully supported the motion, and made the following comments:

- They requested that Ubico work with third sector organisations that normally have to pay for commercial recycling or waste collection to make sure that recyclable plastic is collected from them. One Member confirmed that third sector organisations are already being offered this facility.
- There needed to be more awareness throughout the town that cafes will refill your water bottle and suggested a campaign to make people dispose of cigarette butts.
- One Member nominated Councillor Baker to serve on the Steering Group of Plastic Free Cheltenham which was agreed by Members.

The motion was unanimously passed.

Motion C

Proposed by Councillor Willingham

Seconded by Councillor Atherstone

This Council notes with concern that just 17% of Tech/ICT workers in the UK are female, only one in ten females are currently taking A-Level computer studies, and yet there is a looming digital skills gap where the UK needs one million more tech workers by 2020.

Council further notes that the Tech Talent Charter (<https://www.techtalentcharter.co.uk/>) was founded by a number of organisations across the recruitment, tech and social enterprise fields and was supported in the government's policy paper on the UK Digital Strategy in March 2017 (<https://www.gov.uk/government/publications/uk-digital-strategy>). The Tech Talent Charter is run as an industry collective, in recognition that only through working together and joining forces, can any real meaningful change happen. There is no charge to join the Tech Talent Charter and the Tech Talent Charter Strategy group includes DDCMS and has over 350 organisations signed up as signatories.

The Tech Talent Charter encourages and supports signatories to tackle this lack of diversity and inclusion head-on by undertaking to:

- *Support attraction, recruitment and retention practices that are designed to increase the diversity of their workforce;*
- *Define their own timetable for change and implement the strategy that is right for their organisation (acknowledging that all signatories will have different starting points);*
- *Measure the diversity profile of their UK employees and to share this data for (anonymous) collective publication.*

Recognising our public sector equality duty pursuant to s149 of the Equality Act 2010, Council is concerned about this imbalance, and believes there should be a more diverse, inclusive, fairer and commercially successful tech workforce and industry. Ensuring that the processes, culture and ethos of this Council are inclusive is essential in tackling not just a lack of gender diversity, but also supporting under-represented groups such as those from the LGBT, BAME, disabled or neuro-diverse communities.

The Tech Talent Charter states that "To effect meaningful change, signatories of the Tech Talent Charter pledge to:

1. *Having a senior-level, named representative with responsibility for the Charter commitments;*
2. *Adopting inclusive recruitment processes, working toward a goal that, wherever possible, women are included on the shortlist for interviews;*
3. *Ensuring they have employment policies and practices that support the development and retention of an inclusive and diverse workforce;*
4. *Working collectively with other signatories to develop, share and implement protocols and best practice for the practical implementation of the aims of this Charter;*
5. *Contributing their employment diversity data into a common central anonymised database, for sharing amongst signatories bi-annually, and for publishing publicly in an annual report.*

In light of this Council's investment in, and commitment to, the Cyber Park, the Council should lead by example. Therefore, this Council resolves to support and sign up to the Tech Talent Charter in its own right, and through Officer and Member influence to also encourage the shared services providers that we work with (including, but not limited to: Cheltenham Borough Homes, One Legal, Publica, Southwest Audit Partnership, The Cheltenham Trust, and Ubico) to support and join the Tech Talent Charter too.

In proposing the motion Councillor Willingham said this was about the council acting and showing local leadership, particularly in light of the plans for the cyber park. He explained that only 17 % of the workforce of the tech industry were female which represented a massive disparity. He reported that 350 organisations had signed up to the Tech Talent Charter. Whilst ICT within the council was delivered by Publica, this motion, if adopted, this would be forwarded to them, and the Tech Charter could be included in our recruitment and retention practices. He emphasised that this did not only concern gender diversity and highlighted that if this was not addressed for gender it may not be addressed for other protected equality characteristics. The council could set its own timescale for implementation but it could learn and contribute and show also that this was something it would wish organisations coming to the cyber park in the future to aspire to.

In seconding the motion Councillor Atherstone highlighted the need for greater gender diversity in the UK's tech industry. Gender imbalance in this field was something that CBC and businesses in the town needed to address together. She quoted that in the UK alone only 1 in 10 girls took computer science at A'level last year and this was in the light of the tech industry being one of the fastest growing sectors in the UK with no apparent signs of slowing down. Demand for digital transformation was forecast to grow by 12 % by 2024. The tech industry was therefore critically important for business and the UK economy at large.

She believed that it was vital to act now with the mission of attracting, recruiting and retaining females to the industry to show that we are committed to diversity among the workforce and adopt the mindset for continuous improvement. Together with other organisations it was vital to capitalise the long term societal and economic benefits the tech talent charter could bring us.

Members supported the motion and believed that embedding the charter was key. It was recognised that there was, more widely, a huge deficit in girls wishing to study STEM subjects in general.

In summing up Cllr Willingham acknowledged that the Tech Charter did not represent a panacea solution but committed the council as an employer to try to address the

imbalance since many of the professions in the council required STEM qualifications. He requested that Members represented on outside bodies and officers representing CBC on external organisations also promote the Tech Charter.

Upon a vote, the motion was unanimously carried.

18. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION

There was none.

Roger Whyborn
Chairman

**Cheltenham Borough Council
Council – 16th December, 2019**

Consideration of a petition entitled – ‘Keep Parking at Pittville Park Free!’

Accountable Member	Cllr Andrew McKinlay, Cabinet member development and safety
Accountable Officer	Mike Redman, Director of Environment
Ward(s) Affected	All
Significant Decision	Yes
Executive Summary	<p>The following petition was received by Council on 16th September, 2019.</p> <ul style="list-style-type: none"> • Keep Parking at Pittville Park Free! <p>The petition was collated in two separate formats, one in writing using a form and the other using a different proforma which could be completed over the internet. These different forms are set out at Appendix 3.</p> <p>As the petition had a total in excess of 750 names/signatories, it is entitled to a debate at Council.</p>
Recommendations	<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. Consider the submitted petition, having regard to the adopted ‘Process for dealing with petitions at Council’, as set out at Appendix 1; 2. Take no further action in respect of the petition, in light of the officer comments set out at Section 3 and action already agreed by Cabinet, following public consultation, to modify the original proposal to introduce charges at the Pittville Pump Room and Albemarle Gate car parks (see in particular paragraph 3.3).

<p>Financial implications</p>	<p>The recommended changes within the proposed new Parking Order are likely to generate some additional income to the Council, as we will be charging for some car parks that were previously free, however, this will be offset by the need for additional enforcement resourcing, therefore it is expected that overall, the changes will have a minimal impact on the Council's finances.</p> <p>If no charges were applied, but the same policy objectives were applied through enforcement, this would have a negative impact on the Council's financial position.</p> <p>Contact officer: Andrew Knott, Andrew.knott@publicagroup.uk 01242 264121</p>
<p>Legal implications</p>	<p>The petition will be debated at Council in accordance with the Council's Petition Scheme. The petition will be considered in accordance with the Council Procedure Rules, varied in so far as is necessary to comply with the attached Process.</p> <p>Contact officer: Sarah Farooqi, Head of Law (Litigation and Business Development), One Legal email: sarah.farooqi@tewkesbury.gov.uk – 01684 272012</p>
<p>HR implications (including learning and organisational development)</p>	<p><i>None arising directly from the recommendations in this report.</i></p> <p>Contact officer: clare.jones@publicagroup.uk</p>
<p>Key risks</p>	<ul style="list-style-type: none"> • If car parking provision is too plentiful and/or too cheap, this may lead to increased congestion, poorer air quality and a reduction in the use of more sustainable transport modes. • If car parks are of poor environmental quality, they will detract from the visitor experience of Cheltenham and impact on the town's reputation. <p>See Appendix 2</p>

<p>Corporate and community plan Implications</p>	<p>The introduction of a charge for up to a 4 hour stay at Pittville car parks contributes to:-</p> <ul style="list-style-type: none"> • Achieving a cleaner and greener sustainable environment for residents and visitors – the Parking Order review contributes to balancing car travel against other more sustainable transport modes, thereby helping to mitigate congestion, poor air quality and emissions contributing to global heating. • Continuing revitalisation and improvement of our vibrant town centre and public spaces – will discourage long stay and commuter parking which has been identified as an issue by local ward members • Delivering services to meet the needs of our residents and communities – will facilitate turnover of parking spaces, thereby allowing access by a larger number of residents and visitors
<p>Environmental and climate change implications</p>	<p>The Council’s approach to parking charges is designed to optimise public access to the town and its services, whilst ensuring that the cost of access by car helps promote the use of alternative and more sustainable transport modes, including walking, cycling and public transport.</p> <p>This is supportive of the Council’s stated wish to progress towards carbon neutrality by 2030.</p> <p>Introducing parking charges is therefore considered to be a positive change in terms of carbon impact.</p>
<p>Property/Asset Implications</p>	<p>Car parking charges make a positive contribution to the upkeep of the Council’s property assets and associated staffing costs.</p> <p>Contact officer: dominic.stead@cheltenham.gov.uk 01242 264151</p>

1. Background to the Petition Scheme

- 1.1** The Council’s Petition Scheme is designed to ensure that the public have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a petition with 750 signatures or more be received.
- 1.2** The Scheme recognises that the issue may be referred to another part of the authority where the matter is not one reserved for Council. The purpose of the requirement for Council debate, therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2. The Petition

- 2.1 The Council received a petition on 16th September, 2019 under the headline 'Keep Parking at Pittville Park Free!'. The main wording of the petition is set out in the Executive Summary of this report, with fuller details provided at Appendix 3.
- 2.2 Mr Stephan Fifield was nominated as the petition organiser.
- 2.3 The Council is required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved on the 13th May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 1, as the process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows
- Taking the action requested in the petition (provided the matter is reserved to full Council for decision);
 - Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
 - Holding an inquiry into the matter;
 - Undertaking research into the matter;
 - Holding a public meeting;
 - Holding a consultation;
 - Holding a meeting with petitioners;
 - Calling a referendum;
 - Writing to the petition organiser setting out our views about the request in the petition;
 - Taking no further action on the matter.

3. Officer Comments

- 3.1 As members will be aware, following three weeks' statutory public consultation, changes were proposed to a draft new Parking Order and these were the subject of a Cabinet report and recommendations which were accepted on 10th September, 2019.
- 3.2 These changes will not come into effect immediately as there is still work to do to finalise the new Order and to put the necessary operational arrangements in place. Unfortunately, the petition which is the subject of this report was not received during the consultation period and could not, therefore, be taken into account.
- 3.3 One of the originally proposed changes in relation to the Albemarle Gate and Pittville Pump Room car parks was to introduce charges. However, following the consultation, this was reviewed and **Cabinet has agreed to retain free parking for up to 2 hours, with a nominal charge of £1 for staying for up to a maximum 4 hours.**
- 3.4 It is therefore arguable that what the petitioners have requested will now happen, albeit that the free stay period will be limited to 2 hours.
- 3.5 The principal reason for this change was to prevent long stay and commuter car parking in the two council-owned car parks, the impact of which has been worsened by recent on-street parking changes. In addition, the car parks are in greater demand arising from the installation of new play equipment in 2016.
- 3.6 Charges will help cover some of the costs for enforcing the scheme, which is designed to help prevent long stay parking by commuters and others, thereby providing the opportunity for more

residents and visitors to enjoy Pittville Park than might otherwise be the case.

- 3.7** In light of the very recent public consultation and consideration of Parking Order changes by Cabinet, it is the officer view that no further action should be taken in respect of this petition, as maintaining the car parks free of charge would fail to address other Council policy objectives.
- 3.8** Council should have due regard to its unanimous decision in February 2019 to ask the Cabinet to declare a climate emergency and the subsequent decision by Cabinet on 9th July, 2019 to do so.
- 3.9** Council will also recall its endorsement of the De Courcy Alexander report entitled 'Carbon Neutral Cheltenham – Leadership through Stewardship' on 14th October, 2019 and subsequent related decisions by Cabinet on 10th September, 2019.

Report author	<p>Contact officer: Mike Redman, Director of Environment</p> <p>email: mike.redman@cheltenham.gov.uk , Tel: 01242 264160</p>
Appendices	<ol style="list-style-type: none"> 1. Council's petition scheme – approved by Council 13th May, 2010 2. Risk assessment 3. Process for dealing with a petition at council
Background information	<ol style="list-style-type: none"> 1. Report to Cabinet – 13th June, 2017, entitled 'A place-based approach to town car parking and access'. 2. Report to Cabinet – 10th September, 2019, entitled 'The Borough of Cheltenham (Off-Street Parking Places) Order 2019'.

Process for dealing with petitions at Council

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

1. The Mayor will remind members of the procedure to be followed

2. Statement by the petition organiser

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition.

There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

3. Clarification on the background information in the officer's report

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

4. Statement by the relevant Cabinet Member

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

5. Debate by members

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

6. Conclusion of Debate

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- Taking the action requested in the petition (provided the matter is reserved to full council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting;
- Holding a consultation;
- Holding a meeting with petitioners;
- Calling a referendum;
- Writing to the petition organiser setting out our views about the request in the petition;
- Taking no further action on the matter.

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 car parking provision is too plentiful and/or cheap, this may lead to increased congestion, poorer air quality and a reduction in the use of more sustainable transport modes.	MR	22/03/16	4	2	8	Reduce	Investigative work undertaken as part of the strategy development identified the reasonable balance to reduce the likelihood of this risk becoming an issue. The earlier Parking Order report proposed the introduction of some new charges and reduced provision of free parking at some locations.	2022	Parking Manager	No
	If car parks are of poor environmental quality, they will detract from the visitor experience of Cheltenham and impact on the town's reputation.	MR	22/03/16	3	3	9	Reduce	Public consultation has assisted understanding of the level of impact on environmental quality and the associated priority that should be given to it within the strategy.	2022	Parking Manager	No
	If car parking charges are set too high, this is likely to impact on the number of visitors to the town and could be damaging to the local economy	MR	17/05/16	3	3	9	Reduce	Investigation work undertaken as part of the strategy development identified a reasonable balance to reduce the likelihood of this risk becoming an issue.	2022	Parking Manager	No

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

Keep Parking at Pittville Park Free!



Residents have raised concerns at the Liberal Democrat-run Borough Council's plan to introduce charges at the Pump Room and Albemarle Gate free-to-use car parks.

It also breaks the Council's long-standing practice and is entirely alien to the spirit of the provision of free park access established by the Victorians. It effectively introduces a 'stealth tax' on visitors arriving out of necessity by car.

We should be encouraging people to visit our town and in this case Pittville Park. This change will put off many of our elderly from visiting and it will be another unneeded charge on Pittville residents as well as tourists.

This proposal, to create two brand new pay-to-enter car parks, should be stopped. Local Campaigner for Pittville, Stephan Fifield, has started a petition against this idea. If you are also against the change, please sign the petition below.

Full Name	Address and postcode	Phone/Email		Signature
		PLEASE ONLY COMPLETE THESE BOXES IF YOU CONSENT TO BEING CONTACTED IN THIS WAY		
		Phone		
		Email		
		Phone		

Petition: Keep Parking at Pittville Park Free!

Name *

Address *

Postcode *

Email Address *

Mob/Tel

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**Cheltenham Borough Council
Council – 16 December 2019**

**Recommendations of the Independent Remuneration Panel (IRP)
regarding Members' Scheme of Allowances**

Accountable member	Council
Accountable officer	Managing Director for Place and Growth, Tim Atkins
Accountable scrutiny committee	Not applicable
Ward(s) affected	Not applicable
Key/Significant Decision	No
Executive summary	<p>The Local Authorities (Members' Allowances) England Regulations 2003 requires that Members' schemes of allowances are reviewed annually and where they are linked to some form of automatic indexation, there must be a full review once in every four years. Before an authority can review its scheme of allowances it must first have considered a report from an Independent Remuneration Panel (IRP). The last full review at CBC was carried out by the IRP in 2014 and its recommendations were approved by Council in December that year. The IRP have been convened at several points since then to consider specific issues.</p> <p>In November 2019, the IRP were convened to conduct a 4 year review in preparation for the budget setting 2020/21 and their findings and recommendations are summarised in this report with the full report attached as appendix 2.</p> <p>The Council is now required to consider the recommendations and, if acceptable, to resolve to adopt them. If the Council rejects the recommendations then the current scheme will remain in place.</p>
Recommendations	<p>1. That the Council consider the findings of the IRP and determine whether to accept the recommendations as follows :</p> <ul style="list-style-type: none"> • That the basic allowance be increased by 2% to £5,698, (this incorporates a £50 increase to the home ICT allowance). • That the Special Responsibility Allowances be increased by 2% to give the following levels:

Role	Current Allowance	Recommendations from the IRP from April 2020 with a 2% increase (except for those marked with an asterisk)
Leader	17,435	17,784
Cabinet Member	13,723	13,997
Chair of Planning Committee	3,211	3,767*
Vice-Chair of Planning Committee	1,604	1,881*
Chair of Licensing Committee	867	884
Vice-Chair of Licensing Committee	577	589
Chair of Overview & Scrutiny Committee	2,889	2,947
Vice-Chair of Overview & Scrutiny Committee	1,444	1,473
Chair of Audit Committee	723	737
Chair of Standards Committee	320	326
Group Leaders	643	656
Independent Members of Standards Committee	318	324
Mayor (Chair of Council)	481	491
Mayor (Duties of Civic Head)	7,016	7,156
Deputy Mayor	1,404	1,432

*These figures include the recommended 15% increase to the SRA for the Chair and Vice-Chair of the Planning Committee. Should the 15% not be approved by Council, the new level of SRA for the Chair and Vice-Chair of the Planning Committee would be £3,275 and £1,636 respectively.

- **That the Special Responsibility Allowance for the Chair and Vice-Chair of Planning Committee be increased by 15% in addition to the 2% inflation increase to give the following levels:**
 - **Chair of Planning Committee - £3,767**
 - **Vice-Chair of Planning Committee - £1,881**

- **That the Special Responsibility Allowance for the Licensing Committee be split between the Chair and Vice-Chair on a 60/40 basis and formalised within the scheme.**

2. That Council notes the IRP comments on :

- **Potential additional training requirements in order to equip Members with the knowledge and expertise required to undertake their role.**

- **Digitalising the submission of travel claims.**

The revised allowances, if agreed, will be published on the council's website to aid transparency

<p>Financial implications</p>	<p>The proposal to raise all allowances by 2% and the allowances for the Chair and the Vice Chair of the Planning Committee by an additional 15% would increase the annual cost of allowances by £9,654 to £353,005 in 2020/21. This requires an increase in the budget of the cost centre for Democratic Representation and Management for 2020/21.</p> <p>Contact officer: Martin Yates, martin.yates@publicagroup.uk, 01242 264200</p>
<p>Legal implications</p>	<p>The Local Authorities (Members' Allowances) England Regulations 2003 (as amended) require a local authority to review its members' allowances at least once every four years (where allowances are index linked) for the purpose of reviewing how it will index link its scheme of allowances.</p> <p>Before any changes are made to the scheme the Council must have regard to the findings of the Independent Remuneration Panel and determine whether or not it should accept the recommendation of the Independent Remuneration Panel.</p> <p>Contact officer: Sarah Farooqi – One Legal sarah.farooqi@tewkesbury.gov.uk (01684) 272012</p>

HR implications (including learning and organisational development)	If the recommendations are accepted then there will be a requirement for the HR Support Centre Team to update the HR & Payroll system. Contact officer: Contact officer: Julie McCarthy HR Manager Julie.mccarthy@publicagroup.uk Tel 01242 264355
Key risks	The determination of allowances is a sensitive subject both from the perspective of Councillors themselves and the public who elect them. In view of this it is important that any scheme adopted is objectively reasonable and based upon some logical and fair mechanism.
Corporate and community plan Implications	It is important for the effective functioning of the council that councillors are paid a basic allowance to support them in carrying out their work they do as local councillors. It is also important to recognise that some councillors with additional duties and responsibilities should receive a Special Responsibility Allowance for the extra work in relation to this. Contact officer: Richard Gibson, Strategy and Engagement Manager, Richard.gibson@cheltenham.gov.uk
Environmental and climate change implications	There are no implications arising directly from this report. Contact officer: Gill Morris, Client Officer Gill.morris@cheltenham.gov.uk , 01242 264229
Property/Asset Implications	There are no implications arising directly from this report. Contact officer: Dominic Stead, Head of Property and Asset Management Dominic.Stead@cheltenham.gov.uk , 01242 264151

1. Background

- 1.1 The Local Authorities (Members' Allowances) England Regulations 2003 sets out the framework within which local authorities can establish and amend schemes providing for the payment of allowances to Elected and Co-opted Members of their councils. In particular the regulations provide that schemes which are linked to an index to determine annual increases in allowances must be reviewed at least once in every four years.
- 1.2 When reviewing its scheme a council may not adopt a new scheme or re-adopt an old scheme without first having considered the recommendations of an Independent Remuneration Panel established for that purpose.
- 1.3 The existing scheme of Members' allowances has been in place since the last full review in 2014, it provides for basic allowances for all elected Members, special responsibility allowances (SRAs) paid in respect of identified roles and responsibilities and travel and dependent carers payments. In September of each intervening year, the Democratic Services Team Leader liaises with the Chair of the IRP to decide if there are any issues which require the panel to meet.
- 1.4 When Council considered the IRP report as part of the budget report on 12 February 2016 they decided that they would award a 1% increase to be in line with the salary increase given to staff. They also wished to apply this increase to all SRAs and the civic allowances.
- 1.5 In 2017, the IRP recommended that the scheme be changed to adopt Council's preferred method of

indexation i.e. the increase should be in line with that given to staff rather than the % increase in the median gross weekly earnings for the South West which had been adopted by the panel previously. This was agreed by Council. All basic allowances, SRAs and Civic Allowances were increased by 1% from April 2017 in line with the increase given to staff.

- 1.6 The IRP was convened in November 2017 to review some issues (including the split of the SRA for Licensing Committee Chair/Vice Chair on a 60:40 basis) requested by Members and the recommendations of the IRP were unanimously agreed by Council in December 2017.
- 1.7 The next full review was originally due to commence in October 2018, however, due to the retirement of the Democratic Services Manager, it was agreed that the full review would be postponed until 2019. Members were, however, contacted and did not raise any issues to bring to the attention of the Independent Remuneration Panel (IRP) as part of the scheme for 2019/20. Council therefore agreed in February 2019 to adopt the following approach:

Increase the following allowances by a % equal to the proposed increase to staff relating to 2019/20 (i.e. 2 %) from April 2019:

- The Basic Allowance;
- The level of all Special Responsibility Allowances (SRA); and
- The Mayoral and Deputy Mayoral allowance.

2. Alternative options considered

- 2.1 The review undertaken by the IRP constitutes a thorough and reasoned analysis of the allowance rates applicable to Councillors and those co-opted to serve the council. In reaching its conclusions it has taken advice and gathered a range of information and considered a range of options which are detailed in their report.

3. Consultation and feedback

- 3.1 Detailed in the IRP report.

4. The recommendations and rationale

- 4.1 The recommendations from the IRP for 2020/21 and the rationale for them are set out in the IRP report in Appendix 2 and summarised in the Executive Summary of this report.

- 4.2 If the panel’s recommendations are accepted the new allowances will be as follows:

ROLE	Current allowance £	Recommendations from the IRP from April 2020 with a 2% increase
Basic	5,536	5,698
Leader	17,435	17,784
Cabinet Member	13,723	13,997

Chair of Planning Committee	3,211	3,767*
Vice-Chair of Planning Committee	1,604	1,881*
Chair of Licensing Committee	867	884
Vice-Chair of Licensing Committee	577	589
Chair of Overview and Scrutiny Committee	2,889	2,947
Vice-chair of O&S Committee	1,444	1,473
Chair of Audit Committee	723	737
Chair of Standards Committee	320	326
Group Leaders (x2)	643	656
Independent Members of Standards Committee	318	324
Mayor (Chair of Council)	481	491
Mayor (duties of civic head)	7,016	7,156
Deputy Mayor (duties of deputy civic head)	1,404	1,432

*These figures include the recommended 15% increase to the SRA for the Chair and Vice-Chair of the Planning Committee. Should the 15% not be approved by Council, the new level of SRA for the Chair and Vice-Chair of the Planning Committee would be £3,275 and £1,636 respectively.

4.3 Member Training

The IRP noted the increased demands on Councillors, particularly Planning Committee Members, in terms of knowledge required on the emerging Cheltenham Plan, the Joint Core Strategy and the National Planning Policy Framework. They considered that there may be potential additional training requirements for those Members. This is deemed to be a sensible consideration and whilst a Member training budget exists, should this be exceeded another approved source of funding would need to be identified.

4.4 Submitting Travel Claims

Whilst the IRP noted that relatively few travel and subsistence claims are made by Members, digitalising the claim form would streamline the process. This will be investigated further by democratic services.

5. Financial implications

5.1 The financial implications of the proposals based on the IRP recommendations are set out in the table below.

	19/20 Costs (£)	20/21 Forecast Costs (£)	Additional Costs (£)
Basic Allowances	221,438	227,920	6,482
Special Responsibility Allowances	121,913	125,085	3,172
Total cost of allowances	343,351	353,005	9,654

5.2 The table assumes that all allowances are raised by 2% and the allowances for the Chair and the Vice Chair of the Planning Committee by an additional 15%. This requires an increase in the budget of the cost centre for Democratic Representation and Management for 2020/21.

6. Performance management – monitoring and review

6.1 The Members Allowance Scheme will be monitored by Democratic Services and any issues arising will be raised with IRP when necessary.

Report author	Contact officer: Sophie McGough, Democracy Officer, Sophie.Mcgough@cheltenham.gov.uk, 01242 264130
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. IRP Report
Background information	Part 6 CBC Constitution – Members' Scheme of Allowances

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
	If some provision is not made for increasing the basic allowance and SRAs then new councillors may not be attracted to stand for the role or existing members may step down.	Chief Exec	2019	3	2	6	Reduce	The views of existing Councillors should continue to be fed back to the IRP and they should be made aware of any difficulties in attracting future councillors.	Dec 2020	Democratic Services Team Leader	
	If Members Allowances are increased during a continuing climate of financial cuts there may be a public or staff perception that Councillors are not playing their part in helping to bridge any budget gaps.	Chief Exec	2019	2	2	4	Accept	The basic allowance has been linked to the staff pay settlement since 2017 as detailed in the report.	Dec 19	Democratic Services Team Leader	

REPORT OF THE INDEPENDENT REMUNERATION PANEL: 2019 REVIEW

Mr Quentin Tallon
(Chairman)

Mrs Patricia Dundas

Mrs Joyce Williams

Recommendations

1. That the Members' allowances should only be increased by the Council following recommendations from the Independent Remuneration Panel.
2. That the basic allowance be increased by 2% to £5,698, (this incorporates a £50 increase to the home ICT allowance).
3. That the Special Responsibility Allowances be increased by 2% to give the following levels:

Role	Current Allowance	Recommendations from the IRP from April 2020 with a 2% increase (except for those marked with an asterisk)
Leader	17,435	17,784
Cabinet Member	13,723	13,997
Chair of Planning Committee	3,211	3,767*
Vice-Chair of Planning Committee	1,604	1,881*
Chair of Licensing Committee	867	884
Vice-Chair of Licensing Committee	577	589
Chair of Overview & Scrutiny Committee	2,889	2,947
Vice-Chair of Overview & Scrutiny Committee	1,444	1,473
Chair of Audit Committee	723	737
Chair of Standards Committee	320	326
Group Leaders	643	656
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Mayor (Chair of Council)	481	491
Mayor (Duties of Civic Head)	7,016	7,156
Deputy Mayor	1,404	1,432

*These figures include the recommended 15% increase to the SRA for the Chair and Vice-Chair of the Planning Committee. Should the 15% not be approved by Council, the new level of SRA for the Chair and Vice-Chair of the Planning Committee would be £3,275 and £1,636 respectively.

- 4. That the Special Responsibility Allowance for the Chair and Vice-Chair of Planning Committee be increased by 15% in addition to the 2% inflation increase to give the following levels:**
 - **Chair of Planning Committee - £3,767**
 - **Vice-Chair of Planning Committee - £1,881**

- 5. That the Special Responsibility Allowance for the Licensing Committee be split between the Chair and Vice-Chair on a 60/40 basis and formalised within the scheme.**

- 6. That consideration be given to increasing the Members' training budget in order to equip Members with the knowledge and expertise required to undertake their role.**

- 7. That consideration be given to providing Members with the facility to submit the travel claim form electronically.**

If the recommendations in the report are agreed by Council, the total increase in the Members' allowance budget will be **£9658** this excludes the recommended increase to the Member's training budget.

1. Introduction

Membership

1.1. The Cheltenham Borough Council Independent Remuneration Panel (IRP) has been established pursuant to the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003. The panel members were appointed by the Borough Solicitor and Monitoring Officer in December 2006 under delegated authority from Council. The current panel Membership is:

- Mr Quentin Tallon
- Mrs Patricia Dundas
- Mrs Joyce Williams
- Paul Johnstone

1.2. Unfortunately for the purpose of this full review, Paul Johnstone was unable to partake, however, remains a member of the IRP.

Terms of Reference

1.3. Pursuant to the 2003 Regulations, the terms of reference for the Panel are to make recommendations on the following:

- (a) as to the responsibilities or duties in respect of which the following should be available -
 - (i) special responsibility allowance;
 - (ii) travelling and subsistence allowance; and
 - (iii) co-optees' allowance;
- (b) as to the amount of such allowances and as to the amount of basic allowance;
- (c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;
- (d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6);
- (e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

Recent History of Members' Allowances

1.4. When reviewing its scheme a council may not adopt a new scheme or re-adopt an old scheme without first having considered the recommendations of an Independent Remuneration Panel established for that purpose.

1.5. The existing scheme of Members' allowances has been in place since the last full review in 2014, it provides for basic allowances for all elected Members, special responsibility allowances (SRAs) paid in respect of identified roles and responsibilities and travel and dependent carers payments. In

September of each intervening year, the Democratic Services Team Leader liaises with the Chair of the IRP to decide if there are any issues which require the panel to meet.

- 1.6. When Council considered the IRP report as part of the budget report on 12 February 2016 they decided that they would award a 1% increase to be in line with the salary increase given to staff. They also wished to apply this increase to all SRAs and the civic allowances.
- 1.7. In 2017, the IRP recommended that the scheme be changed to adopt Council's preferred method of indexation i.e. the increase should be in line with that given to staff rather than the % increase in the median gross weekly earning for the South West which had been adopted by the panel previously. This was agreed by Council. All basic allowances, SRAs and Civic Allowances were increased by 1% from April 2017 in line with the increase given to staff.
- 1.8. The IRP was convened in November 2017 at the request of Members to review some issues, including the split of the SRA for the Licensing Committee. Council resolved that the SRA for the Licensing Committee Chair be split between the Chair and Vice-Chair on a 60/40 basis until a full evidence-based review could be carried out as part of the next full review.
- 1.9. The next full review was originally due to commence in October 2018, however, due to the retirement of the Democratic Services Manager, it was agreed that the full review would be postponed until 2019. Members were contacted and did not raise any issues to bring to the attention of the Independent Remuneration Panel (IRP) as part of the scheme for 2019/20. Council, therefore, agreed in February 2019 to adopt the following approach:

Increase the following allowances by a % equal to the proposed increase to staff relating to 2019/20 (i.e. 2 %) from April 2019:

- The Basic Allowance;
- The level of all Special Responsibility Allowances (SRA); and
- The Mayoral and Deputy Mayoral allowance.

2. The Review

Scope of Review

- 2.1. The scope of the review was to consider all aspects of the scheme and specifically:
 - To consider whether the impact of any changes to the role of Members over the last four years and any changes anticipated during the next four years justify a change to the level of Basic Allowance, including the amount of any reduction due to the voluntary nature of the Councillors' role.
 - To review the appropriateness of linking allowances to the Local Government staff pay award.
 - To consider the duties, responsibilities and accountabilities of each role that currently attract a Special Responsibility Allowance (SRA) and determine whether each role justifies the payment of an SRA and, where an SRA is justified, whether the current multiplier used to set the level of allowance correctly reflects the significance of the role.
 - To consider the duties, responsibilities and accountabilities of any roles that do not currently attract a Special Responsibility Allowance (SRA) and determine whether any of those roles

justifies the payment of an SRA and, where an SRA is justified, to set the multiplier so that the level of allowance correctly reflects the significance of the role.

- To provide a clear documented scheme to ensure the appropriate payment of Travel and Subsistence Allowances, without creating unnecessary barriers to claiming.
- To provide a clear documented scheme to ensure the appropriate payment of claims for Dependants' Carers Allowances, without creating unnecessary barriers to claiming.
- Review the Mayoral Allowances (although these fall outside of the current Members' Allowance scheme the panel was asked to look at them as part of our original review in 2006 and have repeated this every 4 years in the full review).
- To review the suspension and repayment of allowances requirements within the scheme.
- To review the provision for ICT resource in the scheme.

Support to the Panel

- 2.2. The Panel was assisted by Bev Thomas, Democratic Services Team Leader and Sophie McGough, Democracy Officer.

3. Basic Allowance (BA)

- 3.1. The recognised guidance states that the BA is intended to compensate Councillors for the time commitment required and to cover any incidental costs; it is not intended to be a salary.

- 3.2. In determining the basic allowance, the IRP adopted a formula approach related pro rata to an equivalent salary for a 37 hour week. During the first review in 2007, it was decided to base the calculation on a salary figure of £20,000 per annum as at the time of writing the report in March 2007, this figure was similar to the Median Gross annual earnings in the South West for 2006 (£22,042).

- 3.3. Therefore the calculation to work out the Basic Allowance at that time was:

$$15/37 \times £20,000 \times 67\% \times 46/52 = £4805$$

hours per week x equivalent annual salary x (100% - voluntary element reduction) x working weeks per year/weeks per year.

- 3.4. In subsequent years, the basic allowance was increased in line with the median gross weekly earning for the South West. However, following the recommendations of the IRP in 2017, Council adopted the preferred method of indexation i.e. the increase should be in line with that given to staff rather than the % increase in the median gross weekly earnings for the South West. This has given rise to the current figure of £5,536.00.

Data

- 3.5. The Panel reviewed the methodology used by a number of other local authorities and compared data with district councils in Gloucestershire and throughout the South West region, as well as Cheltenham Borough Council's 'Nearest Neighbours' as identified by the Chartered Institute of Public Finance and Accountancy for benchmarking purposes.

- 3.6. Taking the comparative data at face value, Cheltenham Borough Council remains at the higher end of the BA payable within the County, the region and among the Nearest Neighbours. It is around £70 higher than the County average, is approximately 14% higher than the average of the Nearest Neighbours and 10% higher than the average in the region.
- 3.7. When considering the number of Councillors per resident taken across the borough as a whole, Cheltenham Borough Councillors has one of the highest number of residents per Councillor in the County and among the Nearest Neighbours. However, it is worth noting that the Local Government Boundary Commission have recently written to CBC explaining that it will be conducting an electoral review, starting in autumn 2020. It is anticipated that this will be implemented in spring 2022 in time for the May elections and will, therefore, need to be considered by the IRP during subsequent reviews.

DISTRICT COUNCILS IN GLOUCESTERSHIRE

Name	Basic Allowance	Estimated Population (mid-2017)	No of Councillors	Residents per Councillor
Tewkesbury	£7,200.00	90,332	38	2377
Gloucester	£5,943.80	129,083	39	3310
Cheltenham	£5,536.00	117,128	40	2928
Stroud	£5,265.00	118,130	51	2316
Forest of Dean	£4,850.00	85,957	38	2262
Cotswold	£4,000.00	87,509	34	2574
AVERAGE	£5,465.80	104,690	40	2628

DISTRICT COUNCILS IN THE SOUTH WEST

Name	Basic Allowance	Estimated Population	No of Councillors	Residents per Councillor
Tewkesbury	£7,200.00	90,332	38	2377
South Somerset	£6,752.00	167,216	60	2787
Gloucester	£5,943.80	129,083	39	3310
Exeter	£5,750.00	129,800	39	
Teignbridge	£5,589.00	131,437	46	2857
Cheltenham	£5,536.00	117,128	40	2928
Stroud	£5,265.00	118,130	51	2316

Weymouth and Portland	£5,250.00	65,751	36	1826
West Dorset	£5,250.00	102,064	42	2430
South Hams	£5,000.00	83,400	31	
Somerset West and Taunton Council	£4,950.00	148,424	59	2516
Mid Devon	£4,865.00	80,623	42	1920
Forest of Dean	£4,850.00	86,000	38	
Purbeck	£4,790.00	46,756	25	1870
North Devon	£4,754.00	93,667	43	
North Dorset	£4,698.00	71,096	33	2154
Torridge	£4,660.47	67,821	36	1884
Sedgemoor	£4,568.00	120,500	48	
West Devon	£4,242.00	54,000	31	1785
East Devon	£4,360.00	142,265	59	2411
Taunton Deane	£4,344.00	117,423	56	2097
Mendip	£4,271.00	113,513	47	2415
East Dorset	£4,190.95	89,384	29	3082
Cotswold	£4,000.00	87,509	34	2574
AVERAGE	£5,045.00	102,222	42	2397

CIPFA NEAREST NEIGHBOURS

Name	Basic Allowance	Estimated Population	No of Councillors	Residents per Councillor
Rugby	£6,556.92	106,350	42	2532
Gloucester	£5,943.80	129,083	39	3310
Cheltenham	£5,536.00	117,128	40	2928
Kettering	£5,394.00	100,252	36	2785
Rushmoor	£5,202.00	95,817	39	2457
Wellingborough	£4,887.62	78,914	36	2192
Carlisle	£4,887.00	108,274	52	2082

East Staffordshire	£4,818.00	117,552	39	3014
Gravesham	£4,718.50	106,121	44	2412
Lincoln	£4,701.46	98,438	33	2983
Wyre Forest	£4,626.00	100,715	33	3052
Redditch	£4,437.00	85,204	29	2938
Worcester	£4,300.00	102,314	35	2923
Ipswich	£4,007.00	138,480	48	2885
Burnley	£3,570.00	87,705	45	1949
Pendle	£3,000.00	90,696	49	1851
AVERAGE	£4,786.58	103,940	40	2643

Working Hours

- 3.8. We issued Members with a survey that asked a series of questions relating to the number of hours worked, the expenses incurred by Members and the hours spent on roles that attract an SRA, we also interviewed a number of Members to further understand their roles and the time commitment involved. We received an 85% response rate to the survey and interviewed 12 Members. We would like to take this opportunity to thank all those Members who engaged in the review process.
- 3.9. It was acknowledged that each Councillor is responsible for determining how to carry out their role and that there are many factors that influence an individual's approach. Similarly, during the interviews, it was noted that particular wards are generally more demanding than others i.e. some experience more issues with community cohesion. The volume of casework and the types of issues encountered also varied considerably across the wards and some Members highlighted that they were being increasingly asked to deal with more complex issues such as hospital appeals and immigration issues.
- 3.10. The amount of time spent on council duties varied considerably from individual to individual and there is no set time expectation. Whilst several Members highlighted that it can sometimes be difficult to balance council work and home life, it was established that 42% of Members who responded to the survey carry out some form of paid employment and are able to operate effectively as a Councillor with the remaining time they have available.
- 3.11. Councillors were asked how many hours per week they spent on council duties and, where appropriate, to identify the split between 'ordinary' councillor duties, and those pursuant to any Special Responsibility/ies that they held. From the 34 responses received, the amount of time spent on council duties per week ranged from 4 to 50 hours, however, the average was 20 hours a week. It is worth noting that this figure may be skewed slightly, as the average number of hours spent on council work was considerably higher for Cabinet Members. We have therefore omitted the Cabinet Member responses from the calculations, and this reduces the average number of hours spent to 15. For the 6 Cabinet Members who responded to the survey, the figure ranged from 21-50 hours and the average number of hours spent on council work each week was 40 hours.

Voluntary Reduction

3.12. 80% of Members agreed that part of their time was given on a voluntary basis.

3.13. Government guidance to Members' Allowances Panels states:

"It is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained.

3.14. As such, the application of a voluntary public service reduction remains a standard practice across many authorities. We asked those Members who agreed that their time was given on a voluntary basis how much of their time they considered to be voluntary and the responses ranged from 6%-100%. However, on average, Members considered 33.6% of the total number of hours spent on council work each week to be on a voluntary basis. We therefore agreed that the existing voluntary public service reduction of 33% was appropriate and fair.

ICT Provision as part of the Basic Allowance

3.15. At the last full review in 2014, it was agreed that £100 should be included in the basic allowance for home ICT. As part of the review, we asked Members whether they still considered this to be necessary. Whilst some Members felt that this was now redundant as they would likely have facilities such as broadband in any case, 70% of survey respondents felt that the £100 was still necessary to pay for expenses such as telephone calls, stationery and the printing of letters to constituents. After careful consideration and following conversations with Members, we still considered the allowance to be relevant and given that it hasn't been increased since 2014, we recommend this be increased to £150.

Indexation

3.16. As part of the consultation, we asked Members whether Members' allowances should be increased automatically by reference to a particular index e.g. Local Government Pay Award (current position) or whether Members' allowances should only be increased by the Council following recommendations from the Independent Remuneration Panel. The majority of Members (76%) felt that it was appropriate for the allowances scheme to remain linked to the local government staff pay award and the panel acknowledge that this is the approach adopted by the majority of council's in the South West. Several Members also highlighted this during the interviews as they felt it would be inappropriate for Members to be awarded a pay increase higher than that of Council staff. Whilst the panel takes the Members' comments on board, we felt that the role of a Councillor is considerably different to that of a council officer and parallels should not be drawn between the two. We felt that the allowance is important in increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it. As such, we recommend that the Members' allowances be increased by the Council following recommendations from the Independent Remuneration Panel as opposed to linking it to the local government staff pay award.

Recommendation: That the Members' allowances should only be increased by the Council following recommendations from the Independent Remuneration Panel.

3.17. Several Members raised the point that correspondence from Constituents had generally increased over the years as a result of email. The panel also acknowledged the extra scrutiny due to the increased prevalence of social media. Having carefully considered the number of hours worked and increased responsibility, we recommend a 2% increase to the basic allowance.

Recommendation: That the basic allowance be increased by 2% to £5,698, (this incorporates a £50 increase to the home ICT allowance).

4. Special Responsibility Allowances

4.1. The Special Responsibility Allowances are based on a formula linked to the basic allowance that takes into account the role description, the level of knowledge required to perform the role, the level of responsibility and risk that comes with the role and the hours required to perform it. Whilst a different formula is adopted for the Leader's Special Responsibility Allowance, the rationale is similar.

4.2. We considered each of the existing SRAs in the context of the time commitment required and levels of personal responsibility and accountability and met with a number of Members in receipt of an SRA, including 2 Cabinet Members and the Mayor.

Special Responsibility Allowances: recommended changes

4.3. Having listened to the evidence from existing SRA holders and other Councillors, and receiving no strong arguments in respect of these posts, we recommend a 2% increase to SRA's in line with the increase to the basic allowance.

Role	Current Allowance	Recommendations from the IRP from April 2020 with a 2% increase (except for those marked with an asterisk)
Leader	17,435	17,784
Cabinet Member	13,723	13,997
Chair of Planning Committee	3,211	3,767*
Vice-Chair of Planning Committee	1,604	1,881*
Chair of Licensing Committee	867	884
Vice-Chair of Licensing Committee	577	589
Chair of Overview & Scrutiny Committee	2,889	2,947
Vice-Chair of Overview & Scrutiny Committee	1,444	1,473
Chair of Audit Committee	723	737

Chair of Standards Committee	320	326
Group Leaders	643	656
Independent Members of Standards Committee	318	324
Mayor (Chair of Council)	481	491
Mayor (Duties of Civic Head)	7,016	7,156
Deputy Mayor	1,404	1,432

*These figures include the recommended 15% increase to the SRA for the Chair and Vice-Chair of the Planning Committee. Should the 15% not be approved by Council, the new level of SRA for the Chair and Vice-Chair of the Planning Committee would be £3,275 and £1,636 respectively.

Chair and Vice-Chair of Licensing Committee

- 4.4. As part of our review in 2017, we were asked to consider the allowance for the Chair and Vice-Chair of the Licensing committee following changes to the committee structure that came in to effect in September 2017. We recommended an informal arrangement whereby the allowance was split between the Chair and Vice-Chair on a 60/40 basis but agreed to revisit this as part of our 4 year review once more evidence was available on the workload involved. We met with the Chair and Vice-Chair who both felt that the 60/40 split was still appropriate given the extensive legislation and training required to fulfil the role of Vice-Chair.

Recommendation: That the Special Responsibility Allowance for the Licensing Committee be split between the Chair and Vice-Chair on a 60/40 basis and formalised within the scheme.

Chair and Vice-Chair of Planning Committee

- 4.5. We met with both the Chair and Vice-Chair of the Planning committee and whilst neither requested an increase in the SRA we felt that the work of the Planning Committee had increased quite markedly and the SRA should be adjusted to reflect this. Of note was the fact that the knowledge required to fulfil the role is becoming increasingly more complex as a result of the evolving legislation and the need to keep informed of changes to the emerging local plan, the JCS and NPPF. Having considered the time involved and the weight of the decisions being made we recommend a 15% increase to the SRA for the Chair and Vice-Chair of the Planning Committee. It is worth outlining that these new rates would also be subject to the 2% increase to SRA's that the panel are also recommending.

That the Special Responsibility Allowance for the Chair and Vice-Chair of Planning Committee be increased by 15% in addition to the 2% inflation increase to give the following levels:

- **Chair of Planning Committee - £3,767**
- **Vice-Chair of Planning Committee - £1,881**

Consideration of any new SRA's

Appointments to Outside Bodies

- 4.6. As part of the review we endeavoured to consider the duties, responsibilities and accountabilities of any roles that do not currently attract a Special Responsibility Allowance (SRA) and determine whether any of those roles justifies the payment of an SRA and, where appropriate set the multiplier so that the level of allowance correctly reflects the significance of the role.
- 4.7. Several Members suggested that Members should receive an SRA if nominated to represent the Council on the board of an outside body in view of the hours they put in. In particular, the role as the Non-Executive Director of the Publica Board and a council appointed trustee on the Cheltenham Trust Board were raised as appointments that required a significant amount of time and expertise.
- 4.8. We heard from the current post holder of both of these roles in order to better understand the requirements of the appointments. We also consulted with the council's Legal providers who outlined the complexities of providing an SRA for such appointments. They advised that The Local Authorities (Members' Allowances) (England) Regulations 2003 set out the statutory basis for allowances and regulation 4 provides for payment of the same basic allowance to all Members. Payment of an allowance for those who sit on outside bodies would not be part of the basic allowance and therefore needs to be considered in the context of an SRA under Regulation 5. Regulation 5 sets out the categories when determining a scheme for SRAs and is outlined below for reference.

Special responsibility allowance

5.—(1) A scheme made under this Part may provide, in accordance with paragraph (2), for the payment for each year for which that scheme relates of an allowance ("special responsibility allowance") to such members of the authority as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories—

- (a) acting as leader or deputy leader of a political group within the authority;*
- (b) acting as a member of an executive where the authority are operating executive arrangements within the meaning of Part II of the Local Government Act 2000;*
- (c) presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;*
- (d) representing the authority at meetings of, or arranged by, any other body;*
- (e) acting as a member of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;*
- (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;*
- (g) acting as a member of an adoption panel within the meaning of the Adoption Agencies Regulations 1983(2);*
- (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity;*
- (i) carrying out such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by*

any one of the activities mentioned in sub-paragraphs (a) to (h) (whether or not that activity is specified in the scheme).

- 4.9. Payments in relation to attendance on outside bodies are only likely to fall under either regulation 5(d) and (i). However, the issue with 5(d) is that Members nominated, for example, on the Airport or the Cheltenham Trust take positions as Directors of the Airport or Trustees and therefore when they attend Board meetings they are there in their capacity as Director or Trustee and are not representing the Authority, thus regulation 5(d) does not apply. Unfortunately, regulation 5(i) also does not apply because when Members take up positions such as Directors or Trustees with outside bodies when they are undertaking that role on behalf of the Airport or the Trust, they are not discharging council functions. There are also various rules that prevent the payment of allowances for those who sit on the Boards for Airports and Teckal companies. Moreover, a Member can only receive one SRA and cannot receive any additional allowances. This means that if we did find that any nominations to outside bodies do fall under regulation 5(d) or (i) you would need to look at the impact of other SRAs.
- 4.10. Whilst we fully appreciate the time commitment and knowledge and skills required to undertake such roles, the Legal provisions highlight the difficulties in allocating an SRA to outside body appointments and as such, we are minded to maintain the status quo.

Planning Committee

- 4.11. 2 Members suggested that Members of the Planning Committee should receive an allowance to reflect the time commitment and weight of the decisions being made. After some discussion, we concluded that all Members are expected to take a role on committees and working groups as part of their basic duties. Whilst acknowledging that Planning Committee does require more of a regular time commitment, Members do have an element of choice on which committees and working groups they put themselves forward for. We also feel that if an allowance was paid, it would set precedents for other committees and so agreed Members of the Planning Committee should not receive an SRA.

Special Responsibility Allowances: recommended no change

Mayoral Allowance

- 4.12. Whilst the Mayoral allowance falls outside of the current Members allowance scheme the panel was asked to look at it as part of its initial review in 2006 and has also done so at subsequent reviews. Following the interviews and survey, we were also asked by a small number of Councillors to consider increasing the Mayoral and Deputy Mayoral allowance as they felt the current level acted as a barrier to working Members who wished to be Mayor. They felt that a significant amount of time was required to complete the duties that are expected of the role and the allowance should be increased to reflect this.
- 4.13. We compared the Mayoral allowance with other councils in the South West and as can be evidenced by the below table, Cheltenham's Mayoral allowance is the highest in the region and is almost double the regional average. The Deputy Mayoral allowance is more in line with other councils in the South West although is still higher than the regional average.
- 4.14. Having spoken with Members and reviewed the comparative data we concluded that that the Mayoral allowance is not designed to compensate a Member for loss of earnings should they decide

to give up their usual employment in their year of office. The panel considers that the current allowance reflects the considerable amount of work that the Mayor does for the town during their year of office and the support given to that role by the Deputy Mayor and although it is an honour for any Member to serve as Mayor, they would need to think carefully about the time commitment required before taking on the role.

- 4.15. We were also asked to look at incorporating an amount into the Mayoral allowance to pay for the consort's expenses, however, concluded that as it is at the discretion of the Mayor as to whether they have a consort this should not be included within the allowance.

MAYORAL ALLOWANCE COMPARSION

Name	Mayor	Deputy Mayor
Cheltenham	£7,016	£1,404
Exeter	£5,750	£1,438
Gloucester	£3,566.28	1,188.76
West Devon	£3000	£825
Somerset West and Taunton	£2,930	£1,570
Tewkesbury	£2,200	£1,350
Weymouth and Portland	£1,314	£0
AVERAGE	£3,682	£1,111

Cabinet Members

- 4.16. We were made aware that the Leader is considering increasing the Cabinet size by 2 Members. Whilst we acknowledge that this has budget implications, we feel that the current allowance for a Cabinet Member is appropriate.

5. Members' Training Budget

- 5.1. Whilst the Members' training budget falls outside of the remit of the IRP, this was raised during the consultation process and so we deemed it appropriate to make a recommendation on the matter.
- 5.2. Whilst we appreciate that Members are offered training as part of the induction programme, we discussed the importance of Members having access to on-going training and felt that the current budget for Member development (£5000) was too low. We acknowledged that Members of the Planning and Licensing Committee are required to attend initial mandatory and on-going training in order to sit on the committee, however, feel it is imperative that all Members have access to the necessary training in order to correctly interpret the relevant plans and policies when making a

decision at committee. We deliberated on how much to increase the budget by, but concluded that any requests for additional training should be accommodated wherever reasonably possible. We also considered individual training budgets, but felt that there was greater merit in having an overall training budget as many external courses offered couldn't be funded by individual budgets.

Recommendation: That consideration be given to increasing the Members' training budget in order to equip Members with the knowledge and expertise required to undertake their role.

6. Travel and Subsistence

- 6.1. We noted from comments received in response to the questionnaires that relatively few claims are made by Members for the reimbursement of travel and subsistence costs. We are satisfied that the provisions in the scheme are sufficiently detailed and provide clear information and instructions on the different types of expenses that can be claimed. However, a suggestion was made to enable Members to submit the travel claim form electronically. We agree that digitalising the form will streamline the process for both Members and officers, however, also wish to retain the ability to submit the form in hard copy for those who do not have access to a computer.

Recommendation: That consideration be given to providing Members with the facility to submit the travel claim form electronically.

7. Dependents' Carers Allowance

- 7.1. Through the consultation process, several Members highlighted that they were unaware of the dependent carers' allowance scheme. We therefore wanted to take this opportunity to remind Members that they may claim and receive a DCA where he/she has incurred expenditure on engaging a carer for a dependant in order to attend designated meetings and/or carry out approved duties. Subject to the conditions set out in section 7 of the scheme, the DCA shall be payable for the actual cost of providing care, with no maximum amount, subject to compliance with audit procedures put in place by the Council. We consider that it is important to encourage eligible Councillors take advantage of the financial assistance that is legitimately available to support them in the performance of their approved Council duties.

8. Date of next review

- 8.1. As per national legislation, the next full review of the Members allowance scheme will take place in 2023. However, as set out in the scheme, in September of each intervening year, the Democratic Services Team Leader will liaise with the Chair of the IRP to agree any proposed changes to the allowances and decide if there are any issues which require the panel to meet. Any subsequent recommendations will again need to be considered by Council.

Cheltenham Borough Council
Council – 16 December 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. Council is being asked to approve the scheme in appendix 2 and summarised in appendix 3 the Local Council Tax Support scheme for working age customers 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 recommends that Council</p> <p>1) Approves the Local Council Tax Support Scheme for 2020/21 for working age customers in Appendix 2 and summarised in Appendix 3 in accordance with section 13A(2) of the Local Government Finance Act 1992</p>

<p>Financial implications</p>	<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:</p> <p>Paul.jones@cheltenham.gov.uk, 01242 264365</p>
<p>Legal implications</p>	<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>
<p>HR implications (including learning and organisational development)</p>	<p>There are none associated with this report</p>
<p>Key risks</p>	<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</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. Council Tax Support scheme 2020/21 3. Summary of Council Tax Support Scheme 2020/21 4. Consultation analysis and responses 5. Community Impact Assessment

Background information	<ol style="list-style-type: none">1. The Local Government Finance Act 1992, amended by the Local Government Finance Act 2012 http://www.legislation.gov.uk/ukpga/2012/17/contents 2. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/2885/contents/made 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	16/12/2019	2	1	2	Accept	Council approves the report recommendations	16/12/19	Jayne Gilpin	
2	If there is an increase in caseload the level of savings might not be achieved	Jayne Gilpin	16/12/2019	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	16/12/2019	2	3	6	Accept and Monitor	Monitor council tax records for those affected. Communication with council tax payers at all stages.		Jayne Gilpin	

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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

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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
- 43. Calculation of grant income
- 44. Calculation of covenant income where a contribution is assessed
- 45. Covenant income where no grant income or no contribution is assessed
- 46. Student Covenant Income and Grant Income – non disregard
- 47. Other amounts to be disregarded
- 48. Treatment of student loans
- 49. Treatment of fee loans and treatment of payments from access funds
- 50. Disregard of contribution

- 51. Further disregard of student's income
- 52. Income treated as capital
- 53. Disregard of changes occurring during summer vacation

Sections 54-65 (The calculation and amount of council tax support)

- 54. Maximum council tax support
- 55. Non-dependant deductions
- 56. Extended support
- 57. Duration of extended support period
- 58. Amount of extended support
- 59. Extended support – movers
- 60. Relationship between extended support and entitlement to council tax support under the general conditions of entitlement
- 61. Extended support (qualifying contributory benefits)
- 62. Duration of extended support period (qualifying contributory benefits)
- 63. Amount of extended support (qualifying contributory benefits)
- 64. Extended support (qualifying contributory benefits) – movers
- 65. Relationship between extended support (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

Sections 66-67 (Dates on which entitlement and changes of circumstances are to take effect)

- 66. Date on which entitlement is to begin.
- 67. Date on which change of circumstances is to take effect.

Sections 68-75 (Claiming and the treatment of claims for council tax support)

- 68. Making an application
- 69. Procedure by which a person may apply for a reduction under the authority's scheme
- 70. Date on which an application is made
- 71. Submission of evidence electronically
- 72. Use of telephone provided evidence
- 73. Information and evidence
- 74. Amendment and withdrawal of application
- 75. Duty to notify changes of circumstances

Sections 76-83 (Decisions, decision notices and awards of council tax support)

- 76. Decisions by the authority
- 77. Notification of decision
- 78. Time and manner of granting council tax support
- 79. Persons to whom support is to be paid
- 80. Shortfall in support
- 81. Payment on the death of the person entitled
- 82. Offsetting
- 83. Payment where there is joint and several liability

Sections 84-87 (Collection, holding and forwarding of information for council tax support)

- 84. Use of information from and to the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC)
- 85. Collection of information
- 86. Recording and holding information
- 87. Forwarding of information

Sections 88-91 (Revisions, written statements, termination of council tax support)

- 88. Persons affected by decisions
- 89. Revisions of decisions
- 90. Written statements
- 91. Terminations

Section 92 (Appeals against the authority's decisions)

- 92. Procedure by which a person may make an appeal against certain decisions of the authority

Section 93 (Procedure for applying for a discretionary reduction)

- 93. Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

Section 94-100 (Electronic Communication)

- 94. Interpretation.
- 95. Conditions for the use of electronic communication
- 96. Use of intermediaries
- 97. Effect of delivering information by means of electronic communication
- 98. Proof of identity of sender or recipient of information

99. Proof of delivery of information

100. Proof of content of information

Section 101 (Counter Fraud and Compliance)

101. Counter fraud and compliance

Schedule 1

Sums to be disregarded in the calculation of earnings

Schedule 2

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

Schedule 3

Disabled child additional disregard

Schedule 4

Capital to be disregarded

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

- 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

- (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

(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.

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- 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),

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- (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

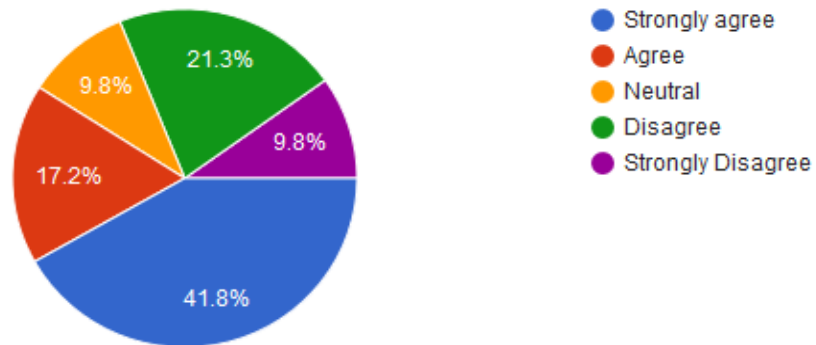
Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	317.92	Net UC Award	974.12
Carer Element		Tariff Income	
Limited work capability	336.20	Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

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.

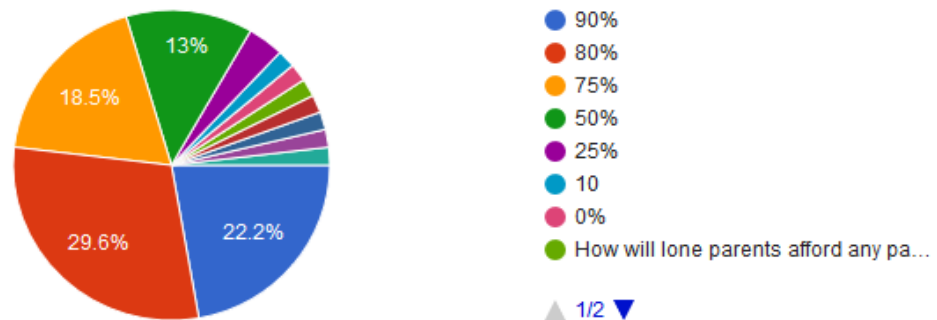
Under the current scheme a person can receive 100% council tax support and does not have to make any contribution towards their council tax payments. Do you think that people should continue to receive 100% help towards their council tax?

122 responses



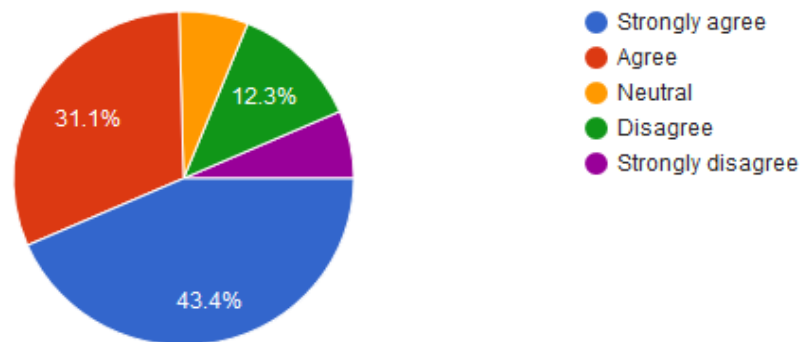
If you disagree or strongly disagree, what do you think the maximum amount of help should be?

54 responses



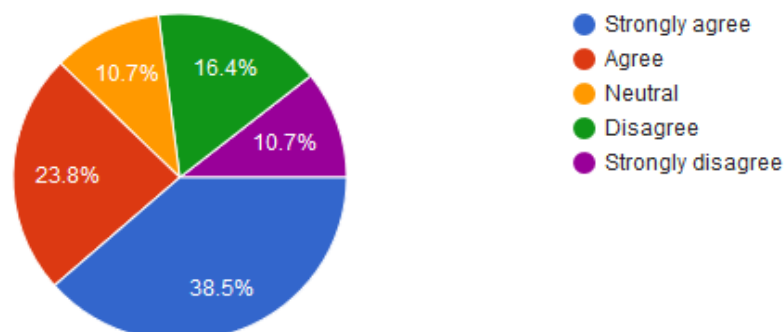
The current scheme ignores an additional £65 per week of household income where there is a disabled child in the family. This is £65 per week for each disabled child. We are proposing to increase this disregard to £100 per week in respect of each disabled child. Do you agree that this disregard should be increased for the purposes of calculating a person's weekly income?

122 responses



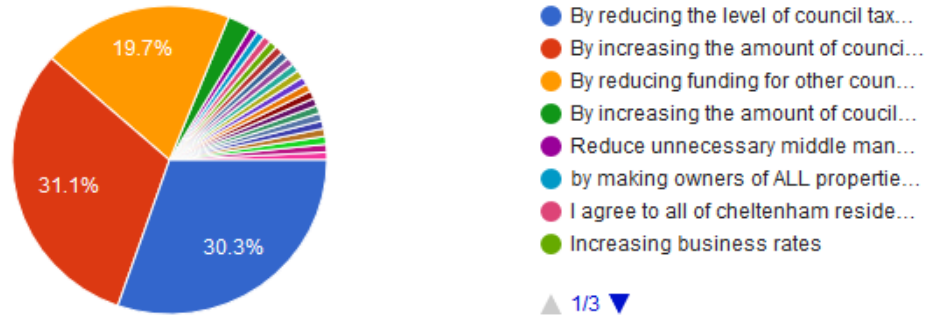
The current scheme fully takes into account a Limited Work Capability (LWC) payment as income. LWC is paid to those who are assessed as having a physical or mental condition which limits their capability to undertake a work related activity. We are proposing to no longer include LWC as income. Do you agree that this income should no longer be taken into account for the purposes of calculating a person's weekly income?

122 responses



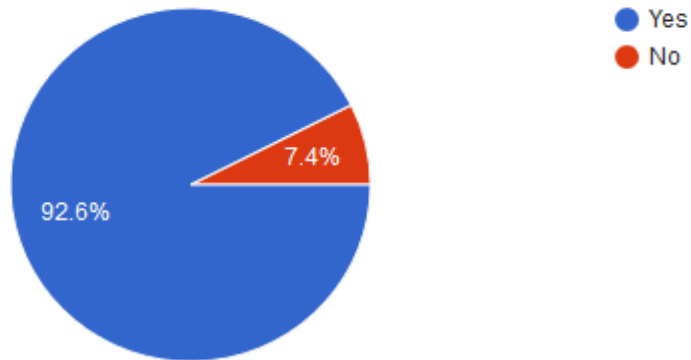
How do you think the council should continue to fund its council tax support scheme from April 2020?

122 responses



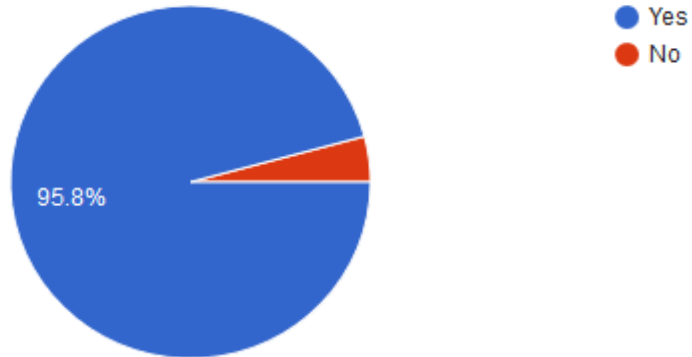
Are you a resident of the Cheltenham Borough area?

121 responses



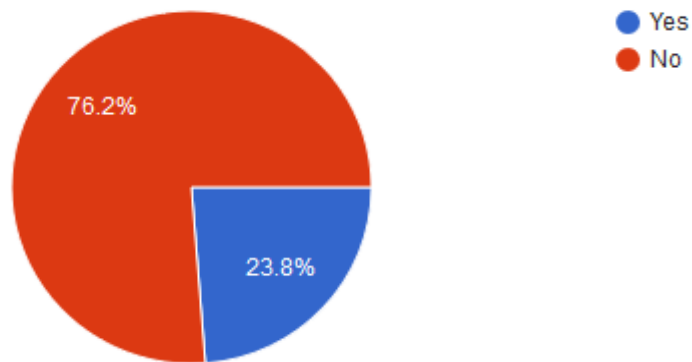
Are you registered for council tax?

120 responses



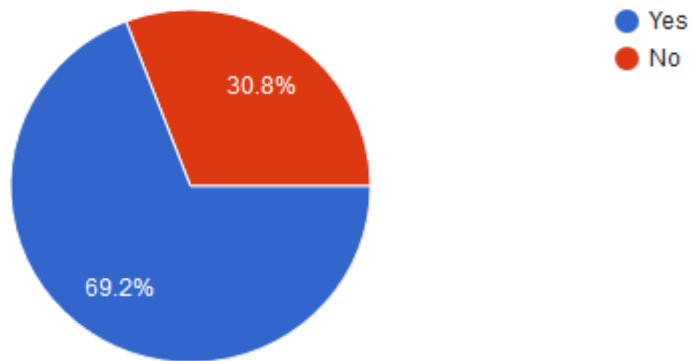
Do you currently receive council tax support?

122 responses



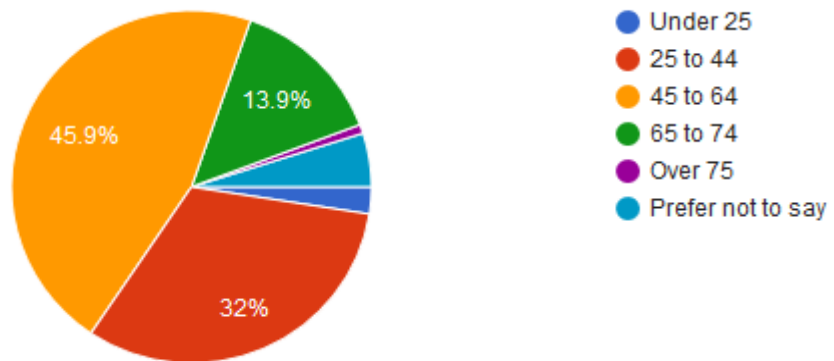
Are you in employment?

120 responses



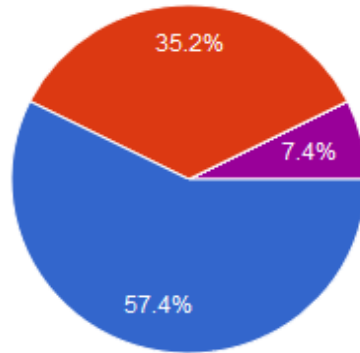
What is your age group?

122 responses



What is your gender?

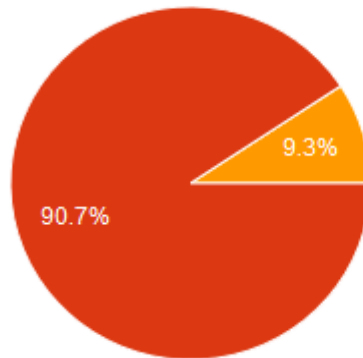
122 responses



- Female
- Male
- Non binary
- Prefer to self-describe
- Prefer not to say

Do you identify as trans?

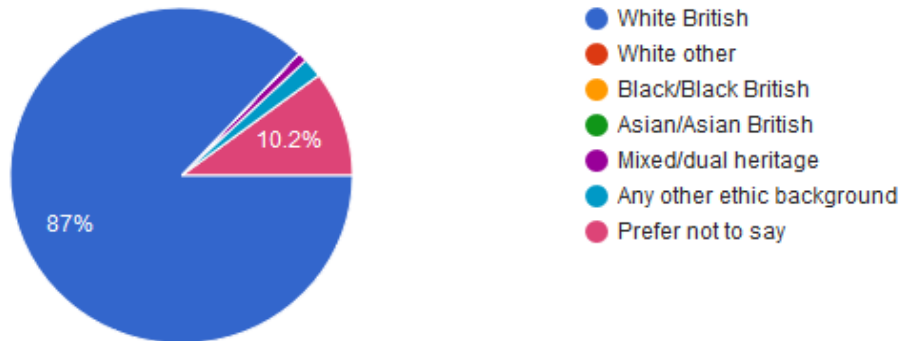
97 responses



- Yes
- No
- Prefer not to say

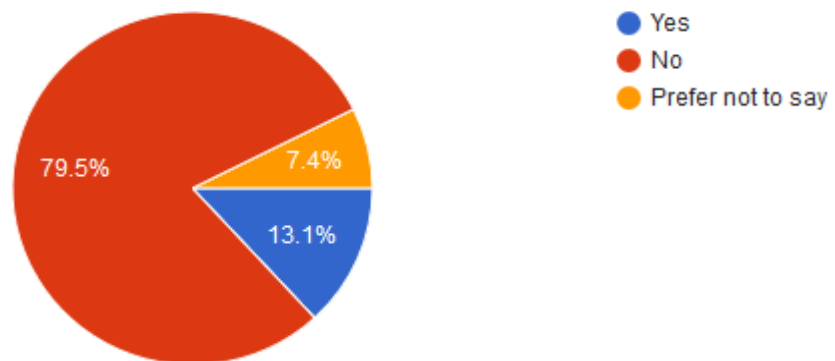
What is your ethnicity?

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

Council 16 December 2019

Review of Council Tax Premium on Empty Properties

Accountable member	Councillor Rowena Hay
Accountable officer	Jayne Gilpin, Head of Revenues and Benefits
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>Ever since 2013 Councils have been able to use their discretion to charge additional council tax, a premium, to long term empty properties which have been unoccupied and unfurnished for more than 2 years. This Council first introduced the 50% premium from 1st April 2018. Following the introduction of revised legislation Council approved an increase in the premium to 100% from April 2019 with further incremental changes once properties have been empty for 5 and 10 years.</p> <p>Since April 2018 227 properties have become subject to the premium and 85 of these have become occupied. The purpose of this report is to approve the on-going level of the Empty Property Premium.</p>
Recommendations	<p>Council is recommended to</p> <p>Approve the level of Council Tax Empty Homes Premium detailed in appendix 2 and as follows:</p> <ul style="list-style-type: none"> a) 100% in respect of properties which have been unoccupied and unfurnished for more than 2 years from 1st April 2020 b) 200% in respect of properties which have been unoccupied and unfurnished for more than 5 years from 1st April 2020 c) 300% in respect of properties which have been unoccupied and unfurnished for more than for 10 years from 1st April 2021

Financial implications	<p>Point 4.6 shows the potential council tax that could be raised as a result of the proposals in this report.</p> <p>However, it should be noted that the actual council tax collected may be lower than the figures stated as owners of empty properties may bring them back in to use more quickly.</p> <p>These changes will also impact on the Housing Revenue Account as they will apply to council owned empty properties managed by Cheltenham Borough Homes.</p> <p>Contact officer: Paul Jones, Executive Director, Finance and Assets paul.jones@cheltenham.gov.uk, 01242 264365</p>
Legal implications	<p>Section 11b Local Government Finance Act 1992 (as amended) allows the Council to charge a council tax premium. Section 67(2) of that Act provides that the power to decide to introduce a premium can only be exercised by full Council.</p> <p>The Rating (Property in Common occupation) and Council Tax (Empty Dwellings) Act 2018 provides for the premium to be increased as detailed in 2.1 of the report</p> <p>Contact officer: sarah.farooqi@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	None
Key risks	As outlined in Appendix 1
Corporate and community plan Implications	The proposal to increase the council tax premium will support the Council's priority to reduce the number of empty properties and increase the housing supply
Environmental and climate change implications	
Property/Asset Implications	<p>These changes will apply to any council owned empty properties</p> <p>Contact officer: Dominic Stead, Head of Property and Asset Management dominic.stead@cheltenham.gov.uk, 01242 264151</p>

1. Background

- 1.1 The Local Government Finance Acts of 2003 and 2012 introduced some amendments to the Local Government Finance Act 1992, giving discretionary powers for councils to set the level of council tax discount on empty properties.
- 1.2 Appendix 2 shows how the council is using its discretionary powers to set the various discount levels on empty properties including the premium
- 1.3 This Council decided to introduce the 50% empty homes premium in respect of properties which have been empty and unfurnished for more than 2 years from April 2018.
- 1.4 Further legislation came in to force from November 2018 allowing Councils to increase the premium to 100%, making the council tax charge double the usual amount. It also provided for the premium to increase further once a property has been continually empty for 5 and 10 years.
- 1.5 At the meeting on 10 December 2018, full Council unanimously agreed to increase the premium to the maximum level allowed.
- 1.6 Unoccupied and unfurnished properties are awarded a 25% discount for the first 6 months, followed by the full 100% liability once the 6 months has expired. The premium then becomes due once a property has been unoccupied and unfurnished for 2 years
- 1.7 The empty property classification starts when the property becomes unoccupied and unfurnished. It does not start again as a result of a change in owner or tenant.
- 1.8 Where a property is undergoing structural alterations a 25% discount can be awarded for up to 12 months. The discount period sits within the empty period.
- 1.9 If an empty property becomes occupied or furnished this must be for a period of at least 6 weeks before a new empty period starts and the 25% discount can apply.
- 1.10 The decisions made so far support the council's strategy to bring empty homes back in to use more quickly and generate additional council tax income.
- 1.11 Certain types of empty properties which are prescribed by legislation can qualify for a full exemption and are not classified as empty properties for the purpose of empty property charges. A list of these exemptions is shown in appendix 3.

2. Review of Empty Homes Premium

- 2.1 The table below shows the level of premium set by this Council on 10 December 2018.

Start date for level of premium	Properties which have been empty for 2 years or more	Properties which have been empty for 5 years or more	Properties which have been empty for 10 years or more
From 1st April 2018	50% premium 1.5 x council tax liability	50% premium 1.5 x council tax liability	50% premium 1.5 x council tax liability
From 1st April 2019	100% premium 2 x council tax liability	100% premium 2 x council tax liability	100% premium 2 x council tax liability
From 1 April 2020	100% premium 2 x council tax liability	200% premium 3 x council tax liability	200% premium 3 x council tax liability
From 1 April 2021 onwards	100% premium 2 x council tax liability	200% premium 3 x council tax liability	300% premium 4 x council tax liability

2.2 There are two exceptions provided for in legislation where the premium does not apply. These are

- Where the property is left empty by a serving member of the armed forces who is absent from the property as a result of such service
- Empty annexes

2.3 No further exemptions are currently included.

2.4 Since April 2018 when it was first introduced 227 properties have become subject to the premium. A breakdown of these properties is as follows

227	Properties have become subject to premium
	Of these:
85	have become occupied
23	Are being renovated, used as 2 nd homes or qualify for exemptions
7	Have been demolished, merged with other units or are subject to business rates
112	Properties are currently subject to the premium

2.5 Of the 112 properties, 36 have been continually subject to the premium since April 2018. 18 of these will have been empty for 5 years on 1st April 2020 and will be liable to three times the council tax charge if the recommendation in this report is approved.

2.6 The Government issued a guidance document in May 2013 when the premium was first introduced which is in appendix 4. The guidance was not updated following the change in legislation in 2018.

2.7 The guidance suggests that Councils should decide whether to include properties which are genuinely on the market for sale or rent in their determination of properties subject to the premium.

- 2.8 The guidance is just guidance and is not binding. The majority of Councils, like Cheltenham, have not provided an exception for properties on the market for sale or rent.
- 2.9 In 2019/20, 299 out of 317 Councils are charging the premium. 82 of those charging the premium set at 50% and 217 have set the level at 100%. Random checks of 40 council websites have been made and only one of those checked excepted properties on the market for sale.
- 2.10 Letters were issued to all council tax payers subject to the premium advising them that Council would be considering the level of premium and inviting them to email any comments and issues. Information to this effect was also on the Council's website. These emails have been forwarded to all members prior to this meeting.

3. The Empty Homes Premium from April 2019

- 3.1 Approval is being sought to continue charging the empty homes premium from 1st April 2020.
- 3.2 The level of premium being proposed, as detailed in 2.1 above and appendix 2 is the maximum allowed in legislation.
- 3.3 The exceptions provided for in legislation will continue to apply but no further exceptions are being proposed.

4. Reasons for recommendations

- 4.1 The analysis in 2.9 above shows that more than half of the properties that become subject to the premium are subsequently either used differently or are occupied.
- 4.2 Government has reported that nationally, where Councils have been charging the premium consistently year on year, there has been a significant reduction in the number of homes being charged the premium.
- 4.3 Empty properties are reviewed regularly by the Revenues and Benefits Section and the Empty Homes Team.
- 4.4 With increased pressure to find housing for people in need the Council wants to encourage homeowners to bring long term empty homes into use to the benefit of all residents. Increasing the empty homes premium to the maximum allowed will send a clear message to owners that it is not acceptable to keep properties empty for long periods, often creating a local nuisance and wasting housing resource.
- 4.5 There are a number of enforcement options available to the Council to make owners bring empty homes back into use, for example, Empty Dwelling Management Orders and Compulsory Purchase Orders. Using these enforcement powers will be considered in individual cases, based on the circumstances.
- 4.6 Based on the current properties subject to the premium and the council tax level for 2019/20 the income generated from the premium set at 100% is approximately £19,000 for this Council, £119,000 for Gloucestershire County Council and £23,000 for the Police .

5. Alternative options considered

5.1 The alternative are as follows:

- Set the level of premium for long term empty properties to a lower level than recommended in this report.
- Set the premium at Zero
- Identify classes of property to be excepted from being charged the premium

5.2 These options do not provide any further incentive for property owners to bring properties back in to use

6. Consultation and feedback

6.1 As detailed in point 2.10 of this report comments received in respect of the premium have been made available to members.

6.2 There is a legal requirement for the Council to publish any decision using these powers in a local newspaper within 21 days of the decision.

6.3 Once a property is classed as unoccupied and unfurnished a letter is sent to explain how the charge escalates the longer the property is empty and the level of premium once it has been empty for 2 years. If Council approves the recommendation in this report the Council Tax team will contact all council tax payers likely to be subject to the premium from April 2020 to advise them. This will be done before the end of January.

7. Performance management – monitoring and review

7.1 The impact of the premium will be monitored closely by the Revenues and Benefits team.

7.2 The empty property discount classes and the premium will be reviewed and further changes will be considered as required.

Report author	Contact officer: Jayne Gilpin, Jayne.gilpin@cheltenham.gov.uk, 01242 264323
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Council Tax discounts on empty properties 3. List of statutory exemptions for certain empty properties 4. Guidance Document on Empty Homes Premium

Background information	<ol style="list-style-type: none">1. The Local Government Finance Act 1992 http://www.legislation.gov.uk/ukpga/1992/14/contents2. The Local Government Act 2003 http://www.legislation.gov.uk/ukpga/2003/26/contents3. The Local Government Finance Act 2012 http://www.legislation.gov.uk/ukpga/2012/17/contents4. The Council Tax (Prescribed Class of Dwellings (England) Regulations 2003 http://www.legislation.gov.uk/uksi/2003/3011/contents/made5. The Council Tax (Prescribed Class of Dwellings (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/2964/contents/made6. The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 http://www.legislation.gov.uk/uksi/2012/2965/contents/made7. Report to council 11/12/2017 – Council Tax Premium on Empty Properties https://democracy.cheltenham.gov.uk/ieListDocuments.aspx?CId=143&MId=2706&Ver=48. The Rating (Property in Common occupation) and Council Tax (Empty Dwellings) Act 2018 http://www.legislation.gov.uk/ukpga/2018/25/contents/enacted
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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
	If it becomes difficult to collect the higher council tax or owners use tactics to avoid the premium then the estimated additional income may not be fully realised	Jayne Gilpin	16/12/2019	1	3	3	Accept	Monitor and review		Jayne Gilpin	
	If owners continue to leave properties empty the number of long term empty properties will not reduce	Jayne Gilpin	16/12/2019	2	3	6	Accept	Monitor and consider enforcement action in individual cases		Jayne Gilpin	
<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>											

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;

- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

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

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on

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Council Tax Empty Property Classes

Appendix 2

Discount Class	Discount/Premium Level up to and including 31 March 2019	Discount/Premium Level with effect from 01 April 2019	Discount/Premium Level with effect from 01 April 2020	Discount/Premium Level with effect from 01 April 2021 There may further policy or legislative change prior to 01/04/2021
Class C Empty and unfurnished for up to 6 months *	25% discount	25% for up to 6 months	25% for up to 6 months	25% for up to 6 months
Class C Empty and unfurnished for more than 6 months, but less than 2 years *	Zero discount 100% council tax payable	Zero discount 100% council tax payable	Zero discount 100% council tax payable	Zero discount 100% council tax payable
Premium Long Term Empty Properties Empty and unfurnished for more than 2 years * (Except properties left empty by a serving member of the armed forces who is absent from the property as a result of such service and empty annexes)	50% Premium 1.5 x council tax payable (150%)	100% Premium 2 x council tax payable (200%)	100% Premium 2 x council tax payable (200%) where properties have been empty and unfurnished for more than 2 years, but less than 5 years 200% premium 3 x council tax payable (300%) where properties have been empty and unfurnished for more than 5 years	100% Premium 2 x council tax payable (200%) where properties have been empty and unfurnished for more than 2 years, but less than 5 years 200% premium 3 x council tax payable (300%) where properties have been empty and unfurnished for more than 5 years, but less than 10 years 300% premium 4 x council tax payable (400%) where properties have been empty and unfurnished for more than 10 years

<p>Class D</p> <p>Empty and unfurnished and undergoing major works/structural repairs to render them habitable – for up to 12 months *</p>	25% discount for up to 12 months	25% discount for up to 12 months	25% discount for up to 12 months	25% discount for up to 12 months
<p>Class B (Second Homes)</p> <p>Second Homes - properties which are furnished but not occupied as anyone's main home</p>	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable

* If a property is re-occupied or substantially furnished for a period of less than 6 weeks this will be disregarded for the purposes of determining the date it became empty and unfurnished. No further discount will be awarded unless the property is re-occupied for a period more than 6 weeks

Council Tax – Unoccupied property Exemptions

Prescribed by legislation

The following classes of empty property are exempt from council tax empty property charges whilst the qualifying criteria is met. Some are time limited and will expire when the set period end whilst others may continue until there is a change in circumstances so that the qualifying criteria is no longer being met.

Class B: Dwellings unoccupied and last occupied for the purposes a charity may be exempt for up to 6 months.

Class D: Dwelling left unoccupied by people detained in prison. The dwelling must have been their main home immediately before they went to prison.

Class E/I: Dwellings left unoccupied by people who have moved to receive personal care in a hospital, home or elsewhere.

Class F: Unoccupied dwellings where the council tax payer dies. The property is exempt until probate is granted and for up to six months after probate has been granted.

Class G: Dwellings whose occupation is forbidden by law or are unoccupied because of impending compulsory purchase.

Class H: Dwellings awaiting occupation by a minister of religion, from where they will perform their duties.

Class J: Dwellings left unoccupied by people whose main residence has changed as they have moved to provide personal care to another person.

Class K: Unoccupied dwellings where the owner has moved to become a student and it was last occupied as their main home.

Class L: Unoccupied dwellings which have been taken in to possession by a mortgage lender

Class O: UK armed forces accommodation. This applies to properties owned by the secretary of state for defence and held for the purposes of armed forces accommodation. This exemption applies whether the property is occupied or not

Class P: Visiting Forces accommodation. Where a member of visiting forces would be liable for council tax.. This exemption applies whether the property is occupied or not.

Class Q: Unoccupied dwellings where the liable person is a trustee in bankruptcy.

Class R: A pitch or mooring not occupied by a caravan or boat

Class T: Unoccupied annexes which may not be let separately from the main dwelling without breaching planning conditions.

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Department for
Communities and
Local Government

Council Tax - Empty homes premium

Guidance for properties for sale and letting

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Council Tax - Empty homes premium

Guidance for properties for sale and letting

1. In its summary of responses report, *Technical Reforms to Council Tax: when dwellings should not be liable to the empty homes premium* (November 2012), the government made a commitment to issue guidance to help authorities to reflect the state of the housing market in their decision making process for administering the premium.
2. This guidance paper should not be treated as an interpretation of the legislation or as statutory guidance. Billing authorities are free to make their own decisions when administering the premium.
3. From 1 April 2013, billing authorities may charge a premium on a class of property that has been unoccupied and unfurnished for two years or more. The premium can be up to 50% of the council tax on the property. From 1 April 2019 the premium can be up to 100% of the council tax on the property.
4. Under the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, the government has prescribed two classes of dwellings which are exempt from the premium. These are:
 - a dwelling which would otherwise be the sole or main residence of a member of the armed services , who is absent from the property as a result of such service
 - a dwelling, which forms part of a single property that is being treated by a resident of that property as part of the main dwelling
5. While the decision to make a determination under Section 11B of the Local Government Finance Act 1992 is for billing authorities to make, the government would expect that due consideration is given to the health of the local housing market when making determinations.
6. The government's intention behind the decision to provide billing authorities with the power to charge a premium was not to penalise owners of property that is genuinely on the housing market for sale or rent.
7. The government expects billing authorities to consider the reasons why properties are unoccupied and unfurnished, including whether they are available for sale or rent, and decide whether they want such properties to be included in their determination. When considering the reasons an authority may want to take account of the following:
 - on average, how long are properties in their area been available for sale or rent before completion/occupation
 - what is the average price/rent in the local area?
8. The above list is not exhaustive and billing authorities will want to consider all factors they think are relevant before making a decision.

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Cheltenham Borough Council
Council – 16th December 2019
Treasury Mid-Term Report 2019/20

Accountable member	Cabinet Member for Finance, Councillor Rowena Hay
Accountable officer	Executive Director Finance and Assets (Section 151 Officer), Paul Jones
Accountable scrutiny	Treasury Management Panel
Ward(s) affected	All
Significant Decision	Yes
Executive summary	The Treasury Management Strategy for 2019/20 has been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's <i>Treasury Management in the Public Services: Code of Practice</i> (the CIPFA Code) which requires the council to approve treasury management semi-annual and annual reports.
Recommendations	The Treasury Management Panel considered this report on the 25 th November 2019 and recommended this on to Council : 1. Note the contents of the summary report of the treasury management activity during the first six months of 2019/20.

Financial implications	All financial implications are detailed throughout the report Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk, 01242 264337
Legal implications	The Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code) requires the authority to approve a Treasury Management Strategy before the start of each financial year and to keep it updated throughout the year. The report fulfils the authority's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code. Contact officer: Shirin Wotherspoon, shirin.wotherspoon@tewkesbury.gov.uk, 01684 272696
HR implications (including learning and organisational development)	None arising directly from this report Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk. 01242 264355

Key risks	As noted in Appendix 1
Corporate and community plan Implications	The purpose of the report is to improve corporate governance, a key objective for the Council
Environmental and climate change implications	None arising directly from this report

1. Background

- 1.1** In February 2011 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires members to approve the treasury management semi-annual and annual reports.
- 1.2** The Council's treasury management strategy for 2019/20 was approved at a meeting on 25th March 2019. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remain central to the council's treasury management strategy.
- 1.3** The 2017 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 25th March 2019.

2. Economic update for the first six months

- 2.1** UK Consumer Price Inflation (CPIH) fell to 1.7% year/year in August 2019 from 2% in July, weaker than the consensus forecast of 1.9% and below the Bank of England's target. The most recent labour market data for the three months to July 2019 showed the unemployment rate edged back down to 3.8% while the employment rate remained at 76.1%, the joint highest since records began in 1971. Nominal annual wage growth measured by the 3-month average excluding bonuses was 3.8% and 4.0% including bonuses. Adjusting for inflation, real wages were up 1.9% excluding bonuses and 2.1% including.
- 2.2** The Quarterly National Accounts for Q2 GDP confirmed the UK economy contracted by 0.2% following the 0.5% gain in Q1 which was distorted by stockpiling ahead of Brexit. Only the services sector registered an increase in growth, a very modest 0.1%, with both production and construction falling and the former registering its largest drop since Q4 2012. Business investment fell by 0.4% (revised from -0.5% in the first estimate) as Brexit uncertainties impacted on business planning and decision-making.
- 2.3** Politics both home and abroad, continued to be a big driver of financial markets over the last quarter. Boris Johnson won the Conservative Party leadership contest and had committed to leaving the EU on 31st October regardless of whether a deal is reached with the EU. Mr Johnson prorogued Parliament which led some MPs to put forward a bill requiring him to seek a Brexit extension if no deal is in place by 19th October. The

move was successful and, having been approved by the House of Lords, was passed into law. The Supreme Court subsequently ruled Mr Johnson's suspension of Parliament.

- 2.4 Tensions continued between the US and China with no trade agreement in sight and both countries imposing further tariffs on each other's goods. The US Federal Reserve cut its target Federal Funds rates by 0.25% in September to a range of 1.75% - 2%, a pre-emptive move to maintain economic growth amid escalating concerns over the trade war and a weaker economic environment leading to more pronounced global slowdown. The euro area Purchasing Manager Indices (PMIs) pointed to a deepening slowdown in the Eurozone. These elevated concerns have caused key government yield curves to invert, something seen by many commentators as a predictor of a global recession. Market expectations are for further interest rate cuts from the Fed and in September the European Central Bank reduced its deposit rate to -0.5% and announced the recommencement of quantitative easing from 1st November.
- 2.5 The Bank of England maintained Bank Rate at 0.75% and in its August Inflation Report noted the deterioration in global activity and sentiment and confirmed that monetary policy decisions related to Brexit could be in either direction depending on whether or not a deal is ultimately reached by 31st October.

3. Financial Markets

- 3.1 After rallying early in 2019, financial markets have been adopting a more risk-off approach in the following period as equities saw greater volatility and bonds rallied (prices up, yields down) in a flight to quality and anticipation of more monetary stimulus from central banks. The Dow Jones, FTSE 100 and FTSE 250 are broadly back at the same levels seen in March/April.
- 3.2 Gilt yields remained volatile over the period on the back of ongoing economic and political uncertainty. From a yield of 0.63% at the end of June, the 5-year benchmark gilt yield fell to 0.32% by the end of September. There were falls in the 10-year and 20-year gilts over the same period, with the former dropping from 0.83% to 0.55% and the latter falling from 1.35% to 0.88%. 1-month, 3-month and 12-month LIBID (London Interbank Bid) rates averaged 0.65%, 0.75% and 1.00% respectively over the period.
- 3.3 Recent activity in the bond markets and PWLB interest rates highlight that weaker economic growth remains a global risk. The US yield curve remains inverted with 10-year Treasury yields lower than US 3-month bills. History has shown that a recession hasn't been far behind a yield curve inversion. Following the sale of 10-year Bunds at -0.24% in June, yields on German government securities continue to remain negative in the secondary market with 2 and 5-year securities currently both trading around -0.77%.
- 3.4 Credit Default Swap (CDS) spreads rose and then fell again during the quarter, continuing to remain low in historical terms. After rising to almost 120bps in May, the spread on non-ringfenced bank NatWest Markets plc fell back to around 80bps by the end of September, while for the ringfenced entity, National Westminster Bank plc, the spread remained around 40bps. The other main UK banks, as yet not separated into ringfenced and non-ringfenced from a CDS perspective, traded between 34 and 76bps at the end of the period. There were minimal credit rating changes during the period. Moody's upgraded The Co-operative Bank's long-term rating to B3 and Fitch upgraded Clydesdale Bank and Virgin Money to A-.

4. Treasury Management Summary position 1/4/2019 to 30/9/2019

- 4.1 On the 31st March 2019, the Council had net borrowing of £101.059m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.19 Actual £m
General Fund CFR	90.475
HRA CFR	44.750
Total CFR	135.225
Less: Usable reserves	28.712
Less: Working capital	5.454
Net borrowing	101.059

- 4.2 The Council pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low.

The treasury management position at 30th September 2019 and the change during the year is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.19 Balance £m	Movement £m	30.9.19 Balance £m	30.9.19 Rate %
Long-term borrowing	112.595	(0.320)	112.275	3.27
Short-term borrowing	8.00	42.000	50.000	0.68
Total borrowing	120.595	41.680	162.275	2.47
Long-term investments	7.000	-	7.000	5.41
Short-term investments	9.325	(2.000)	7.325	1.46
Cash and cash equivalents	2.745	6.347	9.092	0.70
Icelandic	0.466	(0.041)	0.425	-
Total investments	19.536	4.306	23.842	2.33
Net borrowing	101.059	37.374	138.433	

- 4.3 The Council's current strategy has been to fund a £39m capital asset purchase made in August 2019 with the use of temporary borrowing and then either take long term borrowing or use future capital receipts to repay it. Currently interest rates for this borrowing are around 0.70% which is much cheaper than fixing it to a long term loan. The Treasury in October 2019 increased PWLB Loan rates by 1% by giving officers

one hour notice.

- 4.4** As at 31st March 2019 the Council held loans of £120.595m but has significantly borrowed more as mentioned in paragraph 4.3, taking the balance to £162.275m as at 30th September 2019. The weighted average interest rate on these loans is 2.47% down from 3.11% in March 2019. Borrowing costs are expected to be in line with the budget at the end of the 2019/20 financial year. Outstanding loans on 30th September are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.19 Balance £m	2019/20 Movement £m	30.9.19 Balance £m	30.9.19 Rate %
Public Works Loan Board	96.695	(0.320)	96.375	3.15
Banks (LOBO)	7.000	0	7.000	4.24
Banks (fixed-term)	8.900	0	8.900	3.82
Local authorities (short-term)	8.000	42.000	50.000	0.70
Total borrowing	120.595	41.680	162.275	2.47

5. Investments

- 5.1** The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the six month period the council's investment balance ranged between £16.799m and £30.461m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.19 Balance £m	Net Movement £m	30.9.19 Balance £m	30.9.19 Rate of Return %
Banks & Building Societies (unsecured)	6.000	-	6.000	1.00
Local Authorities	3.000	(2.000)	1.000	1.00
Money Market Funds/ Call Accounts	2.745	5.256	8.001	0.69
CCLA Property Fund	3.000	-	3.000	4.00
Schroders Maximiser Fund	2.000	-	2.000	9.05
CCLA Diversified Income Fund	2.000	-	2.000	3.88
Gloucestershire Airport Loan	0.325	-	0.325	3.75
Total Investments	19.070	3.256	22.326	2.33

- 5.2** Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking optimum rate of return, or yield. All investments made to date in this

financial year have been in line with the approved lending list set in February 2019.

- 5.3** In February 2019 the Council's Investment income for 2019/20 was budgeted to be £471,909. The average cash balances representing the council's reserves and working balances, was £22.303m during the period this report covers. The Council anticipates an investment outturn of £500,000 at a rate of return of 2.33% for this financial year. Estimated surplus for investment income is £28.091k for the financial year.
- 5.4** Table 5 below shows the current valuations of the Pooled Funds portfolio at the end of September 2019 compared with the opening balances of 2019/20. These investments were made with the intention to hold them for a minimum of five years and the capital value can fluctuate from one year to another.

Table 5: Pooled Funds

FUND NAME	Initial Investment	1 April Fund Value	30 th Sept Fund Value	Dividends paid out in 2019/20 as at 30 Sept	Gain / (Loss) for 2019/20	Gain / (Loss) to Initial Principal
	£	£	£	£	£	£
CCLA Property Fund	3,000,000	2,877,602	2,850,727	62,825	(26,875)	(149,273)
Schroders Income Maximiser Fund	2,000,000	1,774,692	1,641,035	92,033	(133,657)	(358,965)
CCLA Diversified Income Fund	2,000,000	2,003,727	2,071,711	34,720	67,984	71,711
Total	7,000,000	6,656,021	6,563,473	189,578	(92,548)	(436,527)

- 5.5** Net loans and investments are estimated to be in line with the budget come the end of 2019/20 financial year.
- 5.6** The Housing Revenue Account (HRA) has kept its revenue reserves and balances close to what was estimated for 2019/20 budget and is expected to come in on budget for interest payable on these.

6. Outlook for the remainder of 2019/20

- 6.1** The global economy is entering a period of slower growth in response to political issues, primarily the trade policy stance of the US. The UK economy has displayed a marked slowdown in growth due to both Brexit uncertainty and the downturn in global activity. In response, global and UK interest rate expectations have eased dramatically.
- 6.2** There appears no near-term resolution to the trade dispute between China and the US, a dispute that the US appears comfortable exacerbating further. With the 2020

presidential election a year away, Donald Trump is unlikely to change his stance.

- 6.3** The probability of a no-deal EU exit in the immediate term has decreased, although a no-deal Brexit cannot be entirely ruled out and the risk of this event remains for 2020. The upcoming general election may change the political landscape too.
- 6.4** Central bank actions and geopolitical risks will continue to produce significant volatility in financial markets, including bond markets.
- 6.5** Our treasury advisor Arlingclose expects Bank Rate to remain at 0.75% for the foreseeable future but there remain substantial risks to this forecast, dependant on Brexit outcomes and the evolution of the global economy. Arlingclose also expects gilt yields to remain at low levels for the foreseeable future and judge the risks to be weighted to the downside and that volatility will continue to offer longer-term borrowing

Table 6: Interest rate forecast

	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22
Official Bank Rate													
Upside risk	0.00	0.00	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Cas	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75
Downside risk	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75

6.1 Compliance

The Chief Finance Officer reports that all treasury management activities undertaken during the first six months complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Table 7: Debt Limits

	30.9.18 Actual £m	2019/20 Operational Boundary	2018/19 Authorised Limit	Complied? Yes/No
Borrowing	162.275	288.00	298.00	Yes
Total debt	162.275	288.00	298.00	

Council approved on 14th October 2019 the authorised borrowing limit and operational boundary limit are increased to the new levels as shown above in table 7.

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Report author	Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk 01242 264337
Appendices	Risk Assessment – Appendix 1
Background information	Treasury Management Strategy, Council 14th October 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
	LOBO Loans - If £7m of these loans is recalled by the banks if they choose to exercise their option then we would need to have the resources on the day to repay. Alternative borrowing arrangements at today's current rates would be favourable for the Council	Section 151 Officer Paul Jones	24 th January 2012	1	2	2	Accept	If the loans are recalled the council could take out temporary borrowing which is currently much lower than the rates on these loans. Any capital receipts available could also be used to repay debt.	March 2020	ED Finance & Assets Paul Jones	
	If the assumptions made within the strategies change, then the aspirations within the capital programme may become unaffordable	ED Finance & Assets Paul Jones	13 th March 2019	3	2	6	Accept	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various assumptions of future interest rate movements and Government support for capital expenditure. These will be continually monitored and any necessary amendments will be made in accordance with the Strategy		ED Finance & Assets Paul Jones	

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
	If the assumptions made within the strategies change, then the projected returns and the return of the initial investments may not be received.	ED Finance & Assets Paul Jones	13 th March 2019	3	2	6	Accept	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various assumptions of future interest rate movements and Government support for capital expenditure. These will be continually monitored and any necessary amendments will be made in accordance with the Strategy		ED Finance & Assets Paul Jones	
	If thorough due diligence is not undertaken when pursuing PRS schemes, the Council may not meet all of the criteria set out within its capital and investment strategies.	ED Finance & Assets Paul Jones	10 th October 2019	4	2	8		Due diligence is of paramount importance. All of our investments have individual business cases that are subject to thorough risk assessment and stress testing and we also stress test the whole housing to ensure all risks are captured and properly controlled. Where appropriate to the size and scale of the project we also commission independent technical, legal, accounting, risk management, property, taxation advice		ED Finance & Assets Paul Jones	

Cheltenham Borough Council

Council – 16th December 2019

Review of No Child Left Behind and adoption of the Cheltenham Offer

Report of the Cabinet Member Healthy Lifestyles

Accountable member	Cabinet Member Healthy Lifestyles, Cllr. Flo Clucas
Accountable officer	Safeguarding and Partnerships Manager, Tracy Brown Strategy and Engagement Manager, Richard Gibson
Accountable scrutiny committee	All
Ward(s) affected	All
Key Decision	No
Executive summary	<p>In December 2018, in response to a children and young people’s needs assessment, the council supported a motion to support the No Child Left Behind Year of Action on child poverty. Since then, the council has successfully coordinated the year of action and involved many partners in its delivery.</p> <p>Given that the year of action is nearing its conclusion, this report provides a summary of activity undertaken in the year and sets out initial plans for year two. As part of these plans, the council is being asked to make a specific commitment to the Cheltenham Offer, which is a wide-ranging programme that will provide comprehensive support for the town’s children and young people.</p>
Recommendations	<p>Council notes the progress achieved by the No Child Year of action.</p> <p>Council commits Cheltenham Borough Council to support a second year of No Child Left Behind.</p> <p>Commits Cheltenham Borough Council to the Cheltenham Offer.</p> <p>Council delegates authority to the Executive Director People and Change, in consultation with the Cabinet Member Healthy Lifestyles to develop and agree an action plan that demonstrates how we will deliver the Cheltenham Offer through its internal and external arrangements.</p>

Financial implications	<p>None as a direct result of this report. If the ambitions of the Cheltenham Offer to be truly transformational and town-wide, the team will need to seek funding to deliver this. It anticipated that a lottery bid will be submitted to support some of these costs.</p> <p>Contact officer: Martin Yates Business Partner Accountant Martin.Yates@publicagroup.uk 01242 264200</p>
Legal implications	<p>None as a direct result of this report. However, the authority will need to comply with the Contract Rules and procurement legislation as necessary when implementing the action plan and should enter into agreements with partner agencies where appropriate. The authority will also need to be mindful of its obligations under the Data Protection Act.</p> <p>Contact officer: Shirin Wotherspoon E-mail: shirin.wotherspoon@tewkesbury.gov.uk Tel no: 01684 272017</p>
HR implications (including learning and organisational development)	<p>If the ambitions of the Cheltenham Offer are to be truly transformational and town-wide, a project coordinator will need to be appointed and the team will seek funding to cover their costs. It anticipated that a lottery bid will be submitted to support this.</p> <p>In addition, if CBC is to fully adopt the Cheltenham Offer, HR will need to work closely with the organisation to ensure the objectives within our CBC People Plan and values are fully aligned to the key themes of the Offer, that our staff training, induction, recruitment and HR policies commit to, support and develop a culture that is restorative, trauma-informed and strengths-based.</p> <p>Contact officer: Corry Ravenscroft HR Business Partner Corry.Ravenscroft@publicagroup.uk 07827 895624</p>
Key risks	<p>If the council is not seen as continuing its support for No Child Left Behind, there is a risk that other funders may not be as willing to contribute to the programme.</p> <p>Data suggests that current model of support for vulnerable children and young people is not working, there is therefore risk to how well we can achieve our place vision about Cheltenham being a place where everyone thrives.</p> <p>There is a further risk that without intervention, children and young people may be at more risk of poorer education attainment, higher rates of exclusion, at higher risk being victims of crime, at a higher risk of being drawn into criminal activity, higher risk of being obese, at a higher risk of being open to social care and a higher risk of experiencing poor mental health.</p>
Corporate and community plan Implications	<p>No Child Left Behind is one of the key projects emanating from the corporate plan that was agreed in March 2019 and its aspiration to work with partners to develop community-based approaches that achieve inclusive growth and tackle inequality.</p>
Environmental and climate change implications	<p>One of the strands that NCLB would be interested in considering is how to get more young people engaged in the climate change debate.</p>




1. Background

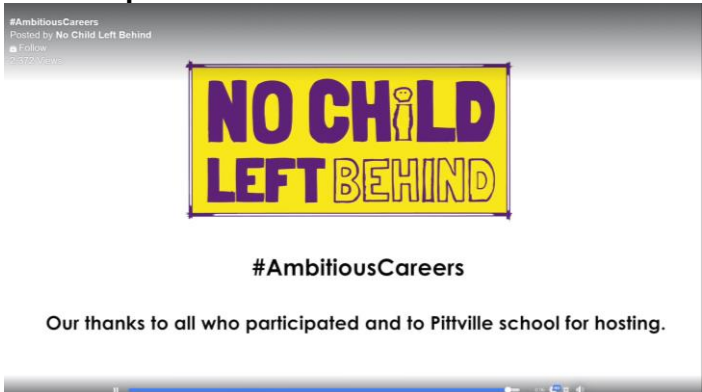


- 1.1** Given the concerns that the council and its partners had about the plight of children growing up in poverty in Cheltenham, a children's needs assessment was commissioned from the Strategic Needs Assessment Team at Gloucestershire County Council.
- 1.2** The needs assessment set out that there was in the region of 4,300 children and young people growing up in poverty. And that those children, when compared to their more affluent peers were then facing significant challenges such as poorer education attainment, higher rates of exclusion, being at a higher risk being victims of crime, a higher risk of being drawn into criminal activity, a higher risk of being obese, a higher risk of being open to social care and at a higher risk of experiencing poor mental health.
- 1.3** In response to the figures, partners felt strongly that they could not do nothing. Instead the council and its partners devised plans for a year of action on child poverty called No Child Left Behind.
- 1.4** Following a members' seminar on 7th November 2018, the cabinet member healthy lifestyles took a motion to full council on 10 December 2018 to support the No Child Left Behind year of action and this was passed with unanimous support.
- 1.5** The purpose of this report will summarise the impact of the first year of action and outline the plans for year 2 including the rationale, development and expected outcomes from the introduction of the Cheltenham Offer.




2. The year of action.

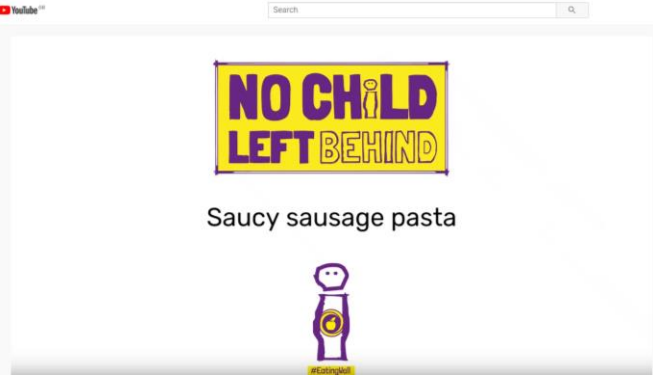

- 2.1** The original aims of the No Child Left Behind year of action were to:
 - Highlight the issue of children growing up in poverty in Cheltenham and the inequality between them and their more affluent peers;
 - Start to address the inequality gap beginning with 12 month programme of events and activities;
 - Be a call to action for all sectors to work together to make transformational change over the longer-term.
- 2.2** A range of events and activities were planned for the year of action that were aligned to 13 themes and a summary of the highlights is described below:

Month	Theme	Highlights	
January	#OurTown	Over 100 professionals attend our launch event to hear a call to action from prominent speakers; and to learn more about the data that underpins the No Child Left Behind year of action.	<p>Photo – professionals gather in the council chamber:</p> 
February	#PositiveRelationships	<p>Over 70 professionals trained to recognise and support young people experiencing domestic abuse.</p> <p>750 Kindness boxes distributed</p>	<p>Photo – one of our kindness boxes:</p> 

March	#ConfidentGirls	Thanks to a grant from Gloucestershire County Council, 1130 boxes of sanitary products distributed to families in need through our period poverty campaign, 'Unstoppable'.	<p>Link to our Unstoppable web-page:</p> 
April	#StrongFamilies	<p>Almost 200 professionals and Cheltenham residents attended our Action on ACEs* awareness event, including a workshop on developing resilience.</p> <p>£60k secured from partner agencies to restart the successful Inspiring families project.</p> <p>*ACEs = Adverse Childhood Experiences</p>	<p>Photo of our Strong Families event at the Pittville Pump Room:</p> 
May	#CelebratingChildhood	Over 3000 children and their families joined us to celebrate childhood at the Cheltenham Children's Festival, with 24 agencies giving their time for free to provide activities.	<p>Link to our Children's Festival facebook page:</p> 

<p>June</p>	<p>#AmbitiousCareers</p>	<p>400 children, from 4 primary schools and one secondary school, were inspired at our #AmbitiousCareers event held at Pittville School</p>	<p>Video clip of our ambitious careers event</p> 
<p>July</p>	<p>#PhysicallyActive</p>	<p>Dozens of new partners brought into the NCLB family during our #PhysicallyActive Summer Challenge which included a number of private sector activity providers. Winners of the challenge got the chance to meet the Mayor and receive a small gift.</p>	<p>Photo of the winners meeting the Mayor:</p> 
<p>August</p>	<p>#Funandfulfilment</p>	<p>Ongoing consultation with families about the barriers to accessing hobbies and clubs. NCLB website drew attention to free activities happening each day through the month.</p>	<p>Link to our NCLB website</p> 

September	#InnovativeEducation	A month that celebrated exciting developments in education including Pittville School journey to become a restorative school and the development of the Cheltenham Offer	<p>Video clip of local teachers talking about the benefits of restorative practice:</p> 
October	#GoodMentalHealth	<p>Pupils at Bournside school received Mental Health First Aid Training so they can offer peer support to other young people in the school.</p> <p>Schools that participate are provided with the Shelf Help young person's booklist as a resource for mental health champions to signpost to.</p>	<p>Photo of the Pupils at Bournside receiving their certificates:</p> 
November	#AchievingBoys	In the light of the risks to vulnerable boys from criminal exploitation, a NCLB social media campaign raises awareness of County Lines, reaching over 10,000 people.	<p>Link to a Facebook post about county lines</p> 

December	#Eatingwell	Creation of a new, young people-led, NCLB YouTube channel with cooking demonstrations by children, young people and families raising awareness of the importance of cooking and eating as a family.	<p>Link to our youtube channel</p> 
January	#NCLBAwards	An awards ceremony to be held on 30 Jan 2020 to celebrate all the hard work that people have contributed over the past 12 months. Nominations for the awards close on 13 December.	<p>Link to our webpage promoting the awards:</p>  <p>Nominations open now for No Child Left Behind Awards 2019</p> <p>No Child Left Behind want to hear from organisations or companies that have:</p> <ul style="list-style-type: none"> ▼ Helped raise awareness about the issue of child poverty in Cheltenham ▼ Helped to 'close the gap' by making activities accessible and affordable ▼ Demonstrated how they've worked with others to inspire long-term change <p>Shine a light on a project that's made a difference!</p> <p><small>Award categories listed at www.cheltenham.gov.uk/NCLBAwards. Nominations must be submitted by 13th December. Facebook: @NCLBChelt #NCLBAwards</small></p>

3. Summary of achievements and plans for year 2

3.1 Despite having to get the year of action off the ground quickly, it has had a significant impact across a range of success measures:

- Number of Children directly reached estimated to be in the region of 2,800;
- Number of partners engaged estimated to be in the region of 80, across all sectors (public sector / VCS / business);
- Profile of NCLB – no of social media engagements is over 337,000 plus coverage on the BBC's [Inside Out Regional news programme](#);
- Amount of external funding raised and sources - £15k for period 2019/20 from the OPCC, £15k for the Unstoppable project from GCC, £6,600 from private sector sponsors. Total = £36.6k.
- In addition, funding for the Inspiring Families project includes £15K from CBH, £15k from GCC and £15k from the OPCC = £45k

3.2 Some of the learnings from the year of action include:

- The power of data to galvanise action; without access to good quality data, the issue of child poverty may continue to have been hidden away out of view. To have data that draws attention to both the extent of child poverty in the town and the impacts that growing up in poverty of children's life chances has provided a significant trigger for action;
- Taking a whole town approach; the year of action was designed so as to have broad appeal to all Cheltenham's children and young people – it has not sought to limit itself to just benefitting children living in poverty. By doing so we have been able to galvanise a broad base of support for NCLB;
- The importance of cross-party political support;
- Demonstrating the council's place leadership role; coordinating a year of action on child poverty goes beyond the traditional role of a district council. By using the place vision as a basis, this council has shown that it is willing to lead the debate and coordinate action on matters which that impact on its residents and which potentially undermine the achievement of our place vision.
- The commitment shown by local partners to get behind the year of action; the council could not have delivered the year of action without the support of a range of partners;
- Working with local primary schools; 78% of local primary schools have engaged with NCLB over the course of the year;
- Emerging links with businesses – not just through sponsorship but through their active involvement in the careers event;
- The role of the Communities Partnership in providing effective governance and oversight.

3.3 Over the course of the year we have also started to develop a way of working that is not just about what we are doing, but equally about how we are doing it:

- Adopting a [restorative practice approach](#) that improves and repairs relationships between people and communities has been successfully used by Pittville School to rethink their disciplinary approach. Through a whole school commitment to becoming a restorative school, fixed term exclusions have fallen from 122 in 2017/18 down to 68 in 2018/2019, a 56% drop. Whilst permanent exclusions have fallen from 6 down to 1 over the same period
- Ensuring that what we do takes a [trauma informed approach](#) – predicated on being kind, compassionate and building hope whilst understanding the impact of previous life experiences on an individual or family. In April we trained 200 professionals about Adverse Childhood Experiences (ACEs) and discussed how we can change the culture of our organisations to reduce traumatising, blaming, marginalising or excluding the people we work with.
- Working to create [strengths-based relationships](#) with people and communities that builds on and strengthens their assets.

- 3.4** Some opportunities that we want to explore in year 2:
- Developing a more defined link with businesses, especially through linking with opportunities arising from our cyber ambitions;
 - Developing better relationships with Cheltenham secondary schools through the Cheltenham Education Partnership;
 - Developing more robust engagement mechanisms with young people;
 - Continue to develop our way of working, shaping it by learning from others and ensuring that it is co-created and owned by our partners and communities
 - How the Council's planned approach to leveraging social value from procurement can support this work.
- 3.5** Therefore, our plans for year 2 these include:
- The NCLB Awards will be held on 30 Jan 2020 at the Town Hall
 - Two careers events are planned with a focus on cyber and sports;
 - The Unstoppable period poverty will continue into a second year with a focus on becoming sustainable;
 - Building on the success of this year's festival, the Cheltenham Children's Festival will take place in May 2020;
 - There are plans to work with CBH and the Cheltenham Trust to deliver a partnership programme of activities, with a focus on nutritional education, throughout the summer holidays;
 - And, the Cheltenham Offer.

4. The Cheltenham Offer

4.1 What is the Cheltenham Offer

The Cheltenham Offer arose from a collective understanding that the current offer for our children and young people – in terms of early years' provision, education, family support, social care support and youth support could work better for our most vulnerable children. Across a range of partners, led by our primary schools there was a collective ambition to do more, and to commit to an enhanced level of support so that all our children have the opportunity to thrive.

Over the past 6 months, this ambition has been developed into a collective commitment to all children and their families in Cheltenham. It sets out how we will work with children and their families and the actions we will take to support them.

4.2 What is the background to the Cheltenham Offer

The Cheltenham Offer has come out of a shared concern that the current offer for vulnerable children is not working and that there is strong evidence to support this. For instance:

- Cheltenham has the highest rates of fixed term and permanent exclusion in the county across primary, secondary and special schools
- There is a clear attainment gap between children on FSM and their peers; 29% gap at end of primary and 36% gap at GCSEs.
- Emotional wellbeing – data from the online pupil survey suggests that 14% of all children are unhappy, rising to 50% of year 10 girls.
- Organisations are also increasingly concerned about the wellbeing of their staff; the charity Education Support report that 72% of all educational professionals described themselves as stressed, rising to 84% of senior leaders.

The Cheltenham Offer is a collective response to these concerns and a commitment to do something different to close these gaps.

4.3 Progress to date

Work on the Cheltenham Offer started 6 months ago on the back of No Child Left Behind:

- Spring 2019 - Cheltenham Primary Heads and Communities Partnership agree to work together to reduce exclusions based on the principles of being restorative, trauma informed and strengths-based.
- Summer 2019 – Primary Heads complete an audit of current position and gaps. Over three quarters of schools completed this.
- Autumn 2019 – Audit used to create the draft Cheltenham offer.

The draft offer is currently being tested with key stakeholder groups with the Communities Partnership endorsing this on 19 November.

4.4 Details of the Cheltenham Offer

The offer is based on the principles of being restorative, trauma informed and strengths-based and consists of three overarching commitments that all organisations will make to the children and families that they work with:

- To work hand in hand with families;
- To understand the effects of poverty and trauma;
- To ensure our organisations are compassionate and strengths-based.

The offer is then broken down into the commitments about the way in which we will work and the actions we will take. The full offer is shown in **appendix 2**. The commitments represent an enhanced level of support that we hope will become the gold standard that we are all making to help all our children and young people thrive.

The Cheltenham Offer is based on the principle that the responsibility for our children and young people does not solely rest with families and their schools, but that there is a collective shared responsibility. Therefore the aspiration is that all our partners, including public sector, VCS, business leaders and all education providers will see the merit in signing up the offer.

Creating system-wide support for the Cheltenham Offer could be truly transformational; bringing much needed resources and support into how we support and inspire vulnerable children and their families.

This aspiration is predicated on furthering our understanding of the gaps between the current offer for vulnerable children and the aspirations set out in the Cheltenham Offer and looking at how we bring in additional resources to fill those gaps whilst also reviewing our governance and accountability structures.

4.5 Lottery Bid

As part of the consideration of additional resources, officers have begun preliminary discussion about the potential for a significant bid to be made to the National Lottery. Initial discussions with the regional officer have been positive with a strong alignment between the Cheltenham Offer and the Lottery priorities of building strong relationships and taking early action so that people fulfil their potential.

Advice from the regional officer has provided some useful key criteria that we will need to demonstrate in the bid:

- The extent to which we can demonstrate support from stakeholders, communities, children and families;
- The extent to which we can demonstrate that ownership of the Cheltenham Offer is shared across the community and with those residents projects are supporting;
- The extent to which we can demonstrate that we are creating additional capacity in the community through peer-led support.

The initial thoughts about priorities for funding include:

- Training for staff, parents and children;
- Employment of staff to provide more direct support families;
- Activity provision for families.

4.6 Implications for CBC

The Executive Leadership Team has considered the Cheltenham Offer and agreed the following key elements which will form the basis of the CBC action plan.

Developing how we work

- Staff training
- Review of relevant policies
- Review of relevant working practices
- Factoring the offer into the Target Operating Model

How we communicate

- Specifics – language and point of contact
- Environment and manner

Leadership

- Incorporate commitment to the offer into decision-making processes
- Promoting positive behaviours
- Promoting the offer
- Place leadership role

This report seeks council approval for the Executive Director People and Change, in consultation with the Cabinet Member Healthy Lifestyles to develop and agree an action plan that demonstrates how we will deliver the Cheltenham Offer through its internal and external arrangements.

4.7 Expected outcome from the Cheltenham Offer

The most significant outcome we are expecting to achieve from the Cheltenham Offer is a closing of the gap between our most vulnerable children and the rest of the cohort in terms of educational attainment and levels of exclusions.

4.8 Next steps

With schools and partner organisations:

- Map what partners are already doing to meet the Cheltenham Offer and what gaps they have;
- Support partners (and CBC) to create their action plans to meet the parts of the Cheltenham Offer they do not already meet;
- Identify any resource implications that cannot be met by the organisation.

With our partnership / community:

- Raise awareness of the offer and get partners to sign up to it;
- Develop the Cheltenham Offer with parents, children and the wider community to ensure it has wide ownership;
- Develop the lottery bid
- Prospective launch date September 2020.

Report author	Tracy Brown Safeguarding & Partnership Manager 01242 264142 Tracy.brown@cheltenham.gov.uk	Richard Gibson Strategy & Engagement Manager 01242 264280 richard.gibson@cheltenham.gov.uk
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Appendices	<ol style="list-style-type: none">1. Risk assessment2. Details of the Cheltenham Offer
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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
-	If the council is not seen as continuing its support for No Child Left Behind, there is a risk that other funders may not be as willing to contribute to the programme	Darren Knight	4.12.19	3	3	9	Reduce	Council to be asked to continue its support for No Child Left Behind	December 2019	Richard Gibson
	Data suggests that current model of support for vulnerable children and young people is not working, there is therefore risk to how well we can achieve our place vision about Cheltenham being a place where everyone thrives.	Darren Knight	4.12.19	3	3	9	Reduce	CBC to provide place leadership on the subject of vulnerable children and young people	December 2019	Richard Gibson
	There is a further risk that without intervention, children and young people may be at more risk of poorer education attainment, higher rates of exclusion, at higher risk being victims of crime, at a higher risk of being drawn into criminal activity, higher risk of being obese, at a higher risk of being open to social care and a higher risk of experiencing poor mental health.	Darren Knight	4.12.19	4	3	12	Reduce	CBC to support the development of the Cheltenham Offer, to develop its own action plan and to support other partners develop their own responses to that we create a system-wide response.	Sept 2020	Richard Gibson

The Cheltenham Offer

We will support each other to...

...work hand in hand with families

- | | |
|--|---|
| Show empathy | Allow time to build relationships |
| Be welcoming and supportive | Provide a named contact for families |
| Be open and honest | Always carry out agreed actions |
| Hear the views of the child and family | Support the participation of families in positive problem solving |
| Understand families' daily living experiences | Identify early children who are not thriving and get alongside the family |
| Ensure all children and families feel involved | |

...understand the effects of poverty and trauma

- | | |
|--|---|
| Be guided by trauma-informed practice | Reflect our awareness of the effects of trauma in our day to day work |
| Value the emotional well-being of children, families and our staff | Put our understanding of emotional wellbeing into everything we do |
| | Undertake activities with children and families that strengthens their resilience |

...ensure our organisations are compassionate and strengths-based

- | | |
|--|--|
| Develop restorative relationships | Continued staff training on the impact of trauma, emotional wellbeing and resilience |
| Continually build a culture of inclusion | Commit to a staffing structure that supports families |
| Make kindness visible | Present information simply |
| | Decision making (including financial) that supports the Cheltenham Offer |

Ways we will work

Actions we will take



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