

# Cheltenham Borough Council Cabinet

**Meeting date:** Tuesday, 7 November 2023

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

Councillors Rowena Hay, Peter Jeffries, Victoria Atherstone, Flo Clucas, Mike Collins, Iain Dobie, Martin Horwood, Alisha Lewis and Max Wilkinson

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**Phone:** 01242 264 246

## **SECTION 1 : PROCEDURAL MATTERS**

### **1 Apologies**

### **2 Declarations of interest**

### **3 Minutes of last meeting (Pages 5 - 18)**

To approve the minutes of the Extraordinary Cabinet meeting held on 28 September 2023, and the Cabinet meeting held on 17 October.

### **4 Public and Member Questions and Petitions**

Questions must be received no later than 12 noon on the seventh working day before the date of the meeting

## **SECTION 2 :THE COUNCIL**

*There are no matters referred to the Cabinet by the Council on this occasion*

## **SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE**

*There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion*

## **SECTION 4 : OTHER COMMITTEES**

*There are no matters referred to the Cabinet by other Committees on this occasion*

## **SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS**

### **5a Corporate Advertising and Sponsorship Policy (Pages 19 - 42)**

Report of Cabinet Member for Cyber, Regeneration and Commercial Income, Councillor Mike Collins

### **5b Cheltenham Peer Challenge Report (Pages 43 - 72)**

Report of Chief Executive, Gareth Edmundson

### **5c Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy (Pages 73 - 86)**

Report of Cabinet Member Finance and Assets, Councillor Peter Jeffries

### **5d Council Tax Support Scheme 2024-25 (Pages 87 - 204)**

Report of Cabinet Member for Finance and Assets, Councillor Peter Jeffries

## **SECTION 6 : BRIEFING SESSION**

- Leader and Cabinet Members

### **6 Briefing from Cabinet Members**

## **SECTION 7 : DECISIONS OF CABINET MEMBERS**

Member decisions taken since the last Cabinet meeting

## **SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION**

### **Section 10: BRIEFING NOTES**

Briefing notes are circulated for information with the Cabinet papers but are not on the agenda

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# Cheltenham Borough Council

## Cabinet

## Minutes

**Meeting date:** 28 September 2023

**Meeting time:** 5.00 pm - 5.15 pm

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**In attendance:**

**Councillors:**

Rowena Hay, Peter Jeffries, Victoria Atherstone, Mike Collins, Martin Horwood, Alisha Lewis and Max Wilkinson

**Also in attendance:**

Claire Hughes (Corporate Director and Monitoring Officer), Gareth Edmundson (Chief Executive), Paul Jones (Executive Director of Finance, Assets and Regeneration), Paul Minnis (Director of Major Development and Regeneration), Martin Chastney (Senior Development Manager, Place & Economic Development) and Richard King (Construction Manager, Major Developments & Regeneration)

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### 1 Apologies

Apologies were received from Councillors Dobie and Clucas.

### 2 Declarations of interest

There were none.

### 3 Minutes of the last meeting

The minutes of the meeting held on 19 September will be considered at the next meeting.

### 4 Public and Member Questions and Petitions

There were none.

## **5 Entering into the Development Finance Agreement**

The Cabinet Member for Cyber, Regeneration and Commercial Income told Members he would introduce his report fully at Council, but was happy to take any questions.

The Cabinet Member for Finance and Assets said the Golden Valley and cyber development had been discussed for a number of years, with many hours of debate and conversation. He put on record that today was a special moment and major milestone in moving the project forward.

The Cabinet Member for Cyber, Regeneration and Commercial Income thanked officers, Cabinet Members, and the whole of the Golden Valley team for all their hard work to date.

The Leader welcomed the team to the meeting, and looked forward to the debate at Council. She took the opportunity to praise Cheltenham's ambition, looking to borrow a very large sum in comparison to its base budget.

Members voted unanimously in support of the recommendations.

### **Recommendations: Cabinet recommends that Council:**

- 1. approves entry into the conditional Development Funding Agreement with HBD X Factory with the conditions set out in Appendix ii – Commercial Detail;**
- 2. approves provision of a funding envelope of up to £95m;**
- 3. delegates authority to the Director of Finance, Assets and Regeneration, in consultation with the Cabinet Member for Cyber, Regeneration and Commercial Income and the Cabinet Member for Finance and Assets, to manage the process and ultimate discharge of the funding conditions, referring back to Cabinet or Council for decisions where constitutionally appropriate. These Conditions are:**
  - meeting the Viability Test**
  - defining the Maximum Commitment**
  - agreeing and obtaining acceptable Pre-let Agreements**
  - agreeing detailed designs for the Innovation Centre and the Mobility Hub**
  - obtaining an Acceptable Planning permission**
  - agreeing an acceptable building contract with a construction contractor**
  - discharging any Third Party Rights on the land**
  - agreeing plans that define the various Plots for development**
- 4. notes the protection that the Council is afforded on construction cost over-runs through the provision of a Maximum Commitment;**

5. **notes the investment opportunities outlined in Appendix iii that will provide a better return the Council;**
6. **delegates authority to the Director of Finance, Assets and Regeneration, in consultation with the Cabinet Member for Cyber, Regeneration and Commercial Income and the Cabinet Member for Finance and Assets, to manage and approve expenditure of the Council Variations Budget;**
7. **delegates authority to the Director of Finance, Assets and Regeneration, in consultation with the Cabinet Member for Cyber, Regeneration and Commercial Income and the Cabinet Member for Finance and Assets, to negotiate commercial terms on a Management Agreement for the Innovation Centre and, if appropriate, the Mobility Hub. Approval from Full Council will be sought prior to entering into any Management Agreement.**

## **6 Briefing from Cabinet Members**

The Leader invited Members to present any briefings. The Cabinet Member for Economic Development, Culture, Tourism and Wellbeing shared the following:

- he had been present at the Liberal Democrat Conference earlier in the week, and taken part in a public health debate, talking about the good work being done by CBC with NHS passports which help local people in need of support;
- the planning application for the ice rink in Imperial Gardens has now been approved.

There were no other briefings.

No Member decisions had been made since the previous meeting.

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# Cheltenham Borough Council Cabinet Minutes

**Meeting date:** 17 October 2023

**Meeting time:** 6.00 pm - 6.40 pm

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**In attendance:**

**Councillors:**

Rowena Hay, Peter Jeffries, Victoria Atherstone, Flo Clucas, Mike Collins, Iain Dobie, Martin Horwood and Max Wilkinson

**Also in attendance:**

Claire Hughes (Corporate Director and Monitoring Officer), Gareth Edmundson (Chief Executive), Paul Jones (Executive Director of Finance, Assets and Regeneration) and Gemma Bell (Director of Finance and Assets and Deputy S151 Officer)

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## **1 Apologies**

Apologies were received from Councillor Lewis.

## **2 Declarations of interest**

There were none.

## **3 Minutes of the last meeting**

The draft minutes of the meeting held on 19 September 2023 were approved as a true record.

The minutes of the extraordinary meeting held on 28 September 2023 will be approved at the November meeting of Cabinet.

## **4 Public and Member Questions and Petitions**

There were no Member questions.

Two public questions had been received:

**1. Question from Mr Steven Thomas to Cabinet Member for Climate Emergency, Councillor Alisha Lewis**

The Cheltenham plan details a push towards electric vehicles and commits to having the entire taxi fleet electrical by 2030.

It is my opinion that the extraction process for Lithium and cobalt batteries is not environmentally friendly and I have concerns around the use of child labour in the extraction process. Further there are concerns regarding the spontaneous combustion of these batteries. Lithium batteries can be prone to combustion if they are damaged and this is backed up with evidence supplied by the London fire brigade which show a record rate of e-scooter fires in the capital due to issues with these batteries:

<https://www.london-fire.gov.uk/news/2023/august/new-record-high-of-e-bike-and-e-scooter-fires-in-london/>

Can the Council advise whether it has conducted any assessments to understand the risks and impacts of this policy position? As a member of the public I am concerned about using public transport and taxis in Cheltenham where there is potentially a risk to my health from modes of transport that use lithium batteries.

**Cabinet Member response:**

Lithium batteries in vehicles are designed with multiple safety features to mitigate the risk of fire or explosion. This includes advanced thermal management systems, battery management systems, and robust structural design to protect the battery cells. EVs powered by lithium batteries are more energy-efficient than conventional vehicles. They can be charged with electricity from renewable sources, further reducing their environmental footprint. The use of batteries in electric vehicles significantly reduces greenhouse gas emissions compared to traditional internal combustion engines, contributing to our fight against climate change.

While there are some limited concerns about the safety of lithium batteries, we live in a world in which vehicles currently drive around our town powered by highly flammable petrol and diesel. These batteries represent a potential step forward towards a slightly safer town and a substantial contribution towards a reduction in vehicle emissions and improved air quality. They are not a total solution, and we will continue to advocate for more car sharing and the use of public transport to reduce the number of vehicles on the road and encourage opportunities for residents to take up even more sustainable transport options like walking and cycling.

**Supplementary question:**

Given the huge push for modes of transport where electric batteries are used, are Cheltenham Borough Council concerned about the exploitation of child slave labour and if so, what are they actively doing to remedy it?

**Cabinet Member response**

In the absence of Councillor Lewis, the Leader said a response would be provided in writing in due course.

**2. Question from Mr Steven Thomas to Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson**

At the September meeting you stated that vacant units in Cheltenham town centre will be used for housing. I believe this contradicts comments made at the council meeting in July which were supportive of promoting a vibrant high street for businesses.

With costs continuing to increase what efforts are the council taking to drop rents and/or business rates for small businesses in Cheltenham in order that they can flourish?

**Cabinet Member response:**

Thank you to Mr Thomas for the question. He raises an important issue and this is an opportunity to clarify some common misunderstandings about the power this authority has. Rents are set by landlords and business rates are set by the government. The Council cannot set the rent for buildings it does not own and has limited powers to vary business rates. Despite the limits of the powers of this authority, members, officers and the BID will work ever more closely with businesses and property owners to produce positive solutions to the ongoing issues with empty premises. The good news remains that Cheltenham continues to perform well compared with other areas.

**Supplementary question**

I know of small businesses here in Cheltenham who are very concerned about future business rate increases for the next tax year, it seems inevitable. So, will Cheltenham Borough Council commit to ensure that every effort is made to cap business rates for small business through the powers that you do have through the Local Government Finance Act and Section 13A Officer?

**Cabinet Member response**

I'm not familiar with the specifics of the question. However, I'm happy to talk with our finance officers about all the arrangements we have for business rates.

**5 Housing Regulations, Cheltenham Borough Homes Housing Review**

The Leader introduced her report with the following statement:

*'I became a councillor over two decades ago because I wanted to make changes to improve things for all our residents. Following the ravages of the pandemic and more latterly a cost of living crisis that has forced families to make unimaginable choices, I am more committed than ever to taking the right decisions to continue supporting our communities even when those decisions result in change. But change is something we must embrace in order to keep delivering our priorities. Back in 2003, it was the right thing to do to establish our ALMO (Arms' Length*

*Management Organisation). Indeed, I was part of this council, when the then Labour government were offering financial incentives which we took advantage of to bring our homes up to the decent homes standard. This funding stopped in 2016 but for twenty years, CBH has worked with CBC to deliver investment in existing stock, new housing, a financially resilient Housing Revenue Account, high tenant and leaseholder satisfaction, all of which we are rightly proud of and give our very sincere thanks to CBH for all they have done.*

*The reasons we need to look to wind up CBH as a company and bring the housing function back into the heart of CBC as one team are several this government is increasing the accountability on Local Authorities via legislation which we have to respond to in both the private and public sector housing that this council will be responsible for.*

*CBC has a medium term funding gap of £4m and we must look and re-look at every area of efficiency to protect services and support our communities. The strengthening partnership work that was undertaken over the last two years has been successful. However, since then we have seen a significant rise in interest rates now at an all-time 40-year high, a cost of living crisis, huge rises in materials for house building and massive energy cost hikes.*

*The significant reduction on ALMOs across the country (for a variety of reasons) also shows that it is those authorities who are retaining ALMOs who are increasingly the outliers, however a key priority for us has been and will remain is the tenants' voice which we must strengthen and grow.*

*Ultimately, as Leader of the Council and Shareholder, along with my Cabinet colleagues, we have to try and act on behalf of all of our residents and businesses. The financial pressures this council faces has, for the first time, forced Cabinet to look at stopping or reducing services. CBH customers are some of the most in need and vulnerable in our borough and they are more dependent on housing and council services than anyone else. Our residents in wards like mine have also suffered more than any other group. In this context, with this decision, I and my Cabinet have chosen to try and protect services, maintain customer satisfaction, and supercharge housing delivery by bringing CBC and CBH together so that we can continue to support our communities in spite of the challenges we face. On a personal note, I could not justify an argument on the doorstep about cutting back council services from leisure to street cleansing to try and retain an ALMO when we must try and maximise every possible efficiency from joining services first.*

*Yesterday, at Full Council, I mentioned that in 2016 we took the bold decision to introduce a commercial strategy; that decision and our journey has stood the test of time and, unlike many other councils, we are financially in a much better place than many. My mantra has been to be risk aware and not risk averse.'*

The Cabinet Member for Housing reiterated that the priority is to provide an excellent services and strengthening the voice of tenants, who will continue to be our focus during the transition. She said the proposed new tenant offer will make sure they influence housing services now and in the future, and is delighted with the commitment to commission an independent tenant organisation to engage and consult with tenants and leaseholder. She is confident that this bold approach will provide better services for tenants and Cheltenham's wider communities.

She offered huge and warm thanks to CBH for the fantastic services they have provided for residents for the past 20 years, having first-hand experience of the caring and dedicated teams. She looked forward to working with and supporting CBH and CBC colleagues through and beyond the transitional stage, focussing on the new integrated offer for tenants. She said services, like anti-social behaviour, do not discriminate between homes, whether council- or privately owned, and joining as one team with greater capacity and skills there are many areas we can look to enhance the experiences of tenants, leaseholders and our wider communities.

She finished by saying we must that the growing regulatory environment places greater accountability and responsibility on councils, and as Cabinet Member for Housing, she remains committed to the safety of all tenants.

A Member said that since joining the Cabinet, it has been a pleasure to be closely involved with CBH, which works so diligently on behalf of residents. Looking at the report, the financial assessment is compelling: like the rest of the country, Cheltenham has faced a decade of austerity and many financial challenges, including the pandemic and cost of living crisis. With this proposal, we are evolving to meet those challenges. The key factor is to protect council services, and although it is tough to make structural changes, it is the right thing to do – we have to put residents and tenants at the centre of everything we do.

He said that while revenue and our day-to-day services remain our prime focus, he is looking forward to the future, and feels that CBC's approach to regeneration and housing delivery will pay dividends. He welcomed this exciting opportunity.

A Member added his thanks to CBH management and officers, saying that having previously worked in the sector, he is aware that CBH are the best social, caring and proactive landlords, and was reassured by the Leader's and Cabinet Member for Housing's comments that an outstanding level of service will remain at the heart of our future commitment to residents. He said that the financial environment in which councils now find themselves, with government incentives no longer applying, means that the era of ALMOs is drawing to a close across the country; we must be mindful of that and take a balanced opinion on the management of the council's finances. With the commitment to continue to the level of service in an uninterrupted way, this is the right decision and one which he is extremely happy to support.

In summing up, the Leader reiterated her sincere thanks to all CBH staff, and in particular the senior management team led by Steve Slater as CEO and all the

board. She said change is difficult and challenging, but together we are stronger, and jobs won't change for the majority of staff. Together, CBC and CBH can make the transition as smooth as possible, ensuring that tenants stay at the core of service delivery to maintain the very high levels of satisfaction that CBH has always attained. This decision is very much in the spirit of 'Team Cheltenham'.

**RESOLVED THAT:**

- 1. the work and commitment of Cheltenham Borough Homes over the last twenty years in acknowledged by Cabinet;**
- 2. the new regulatory framework for social landlords and the Council's Medium Term Financial Strategy is noted;**
- 3. the options for the future delivery of the Council's Housing Services are noted, and the Chief Executive, Executive Director for Finance, Assets and Regeneration, the Corporate Director and Monitoring Officer, and the Housing Partnership Manager are authorised to undertake the required review to support the Leader in deciding to wind-up Cheltenham Borough Homes;**
- 4. the creation of a consultation framework is commissioned in order to develop a Tenant Offer which will provide tenants and leaseholders with the opportunity to provide their view on the proposed change in management, state their priorities in shaping the future housing service provision, ensure their continued involvement, and complement the new consumer standards;**
- 5. the consultation framework is acknowledged and the recommended tenant offer is subject to review by the Council's Overview and Scrutiny Committee upon their request;**
- 6. the Chief Executive is requested in consultation with the Leader and the Cabinet Member for Housing to develop a housing integration action plan;**
- 7. the Housing Strategy and Partnerships Manager is appointed as the Council's Health and Safety lead, as detailed in Section 7 of this report. This will be subject to review following the winding up of Cheltenham Borough Homes.**

## **6 Approval of Budget Strategy, Process and Timetable**

The Cabinet Member for Finance and Assets said the council has faced unprecedented financial challenges over the last 5-10 years but has overcome these with a risk-aware approach to increased commercial activities, the Covid recovery budget, and a robust savings and reserves strategy to maintain services to residents and customers. The approach for 2024-25 has not changed, and we continue to move forward and review how resources are allocated, taking into account the Golden Valley Development and our climate change pathway. The starting point is ensuring the key priorities can be delivered and services to residents maintained, with assumptions built into the budget for inflation, interest rates, and pay awards. Areas of growth and corporate priorities have been assessed, a savings and efficiency strategy set, and reserves strengthened, following two years of offsetting the largest cost pressures. The timetable is set out at Appendix 2.

A Member agreed that the council has faced many financial challenges in recent years, yet has continued to delivery excellent services, particularly in housing. He said we have to keep taking decisions to deliver the right level of service to residents, and although no vote is required on this item, it is important that the right decisions are made. He thanked the Cabinet Member for Finance and Assets and the finance team for their work – it is not an easy job.

A Member agreed that many people in Cheltenham, particularly the young and old, are living with enormous challenges, and much has been done to help them – which would not have been possible without secure finances at the heart of everything we do. She thanked the Cabinet Member for Finance and Assets and all the finance officers for their work and looked forward to a good year ahead.

The Leader commented that with no information about any settlement until November, officers have to make assumptions on what the budget might be with no certainty from government. She said no private business could be run like this. The Cabinet Member for Finance and Assets agreed, but hoped for a quiet run into budget setting in November. He said there was a lot of work ahead for the team, but was confident that the would rise to the challenge, and thanked them for the work they are about to commence.

### **RESOLVED THAT:**

- 1. the budget setting timetable at Appendix 2 and outlined in section 5 of this report is approved;**
- 2. the outline budget strategy outlined in section 6 is approved;**

3. **the £475k overspend reported to Cabinet in September 2023 and large amount of work which will be required to close this gap and deliver the required savings and efficiencies in 2023/24 is noted;**
4. **the intention for this Council to remain in the Gloucestershire Business Rates Pool in 2024-25 as outlined in section 7 is noted;**
5. **the Section 151 Officer, Deputy Section 151 Officer and the Cabinet Member for Finance and Assets are requested to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2024-25.**

## **7 Briefing from Cabinet Members**

The Leader invited Members to share any briefings.

The Cabinet Member for Economic Development, Culture, Tourism and Wellbeing thanked the organisers of the recent Gloucestershire Property Forum, where empty shop units were discussed, and also Men in Sheds for welcoming him at Dundry Nurseries last week.

The Cabinet Member for Safety and Communities shared the following:

- the survey on the safety of women in Cheltenham can be accessed via the website, giving women the opportunity to share their thoughts on safety in the town centre. She was keen to welcome as many experiences as possible, and encouraged Members to share this with friends and colleagues;
- thanks to Helen Down and other CBC officers, colleagues at Cheltenham Alliance for Race Equity, the Everyman, Cheltenham Festivals and local schools for organising a summer competition which gave children the opportunity to say what they think about living in Cheltenham. There were many entries, and the Mayor is delivering prizes to finalists at local schools. Ten children aged 7-18 attended the Cheltenham Literature Festival last week and read their entries to a large group of people. This was an amazing experience, particularly appropriate in Black Lives Matter month, giving voice to those who don't always have it – something this council does well.

The Cabinet Member for Customer and Regulatory Services said that earlier in the year, the council approved £128k in community grants for all sorts of local initiatives, from defibrillators to pollinators to new pedestrian pathways. He was happy to report that these projects have now started, and recently visited Bath Road to see the new-repainted utility boxes, beautifully decorated by the brilliant street artist Rhys Cowe. He said this is something to celebrate, and was happy to say that there are more grants to come.

## **8 Member decisions since last meeting**

Members reported on decisions taken since the last meeting as follows:



**29 September, 2023: Cabinet Member for Customer and Regulatory Services**  
[Revised Fixed Penalty Fees for Enviro-crimes](#)

**29 September, 2023: Cabinet Member for Waste, Recycling and Street Services**  
[To award a contract to Talis Amos Ltd to supply 1x John Deere 6130M and side arm flail attachment](#)

**05 October, 2023: Leader**  
[To use funding from the UK Shared Prosperity Fund to enter into delivery agreements](#)

**05 October, 2023: Cabinet Member for Economic Development, Culture, Tourism and Wellbeing**  
[Public Art Celebrating Women](#)

**9 Local Government Act 1972 - Exempt Business**  
**Local Government Act 1972 - Exempt Business**

**RESOLVED THAT:**

In accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:

**Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**10 Exempt Minutes of Cabinet, 11 July 2023**

The exempt minutes of the meeting on 11 July were approved as a true record.

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## Cheltenham Borough Council

### Cabinet – 7<sup>th</sup> November 2023

## Corporate Advertising & Sponsorship Policy

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**Accountable member:**

Cabinet Member Cyber, Regeneration and Commercial Income, Cllr Mike Collins

**Accountable officer:**

Head of Commercial & Income Generation, Sanjay Mistry

**Ward(s) affected:**

All

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**Key Decision:** No

**Executive summary:**

The report updates the Council's practices and procedures in relation to advertising and sponsorship.

**Recommendation: That Cabinet:**

- **adopts the updated 'Corporate Advertising & Sponsorship Policy', as at Appendix 4, to come into immediate effect.**
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### 1. Implications

#### 1.1 Financial, Property and Asset implications

This updated policy clearly sets out what is expected in delivering the shared Advertising and Sponsorship initiatives which align to the council's strategic priorities and core values minimising financial and reputational risks. Officers will be protected from allegations of inappropriate dealings or relationships with sponsors. By maintaining a register we will be able to monitor the initiatives and evaluate the data for future initiatives. Lastly our approach to sponsorship agreements will be administered in a consistent manner under the framework set out.

**Signed off by:** Avril Corbin, Finance Business Partner, [avril.corbin@cheltenham.gov.uk](mailto:avril.corbin@cheltenham.gov.uk)

## 1.2 Legal implications

The Corporate Advertising & Sponsorship Policy details the relevant legislation and regulations which govern the advertising industry and the internal governance arrangements which must be followed.

The terms and conditions for advertisers and sponsors will be prepared in consultation with colleagues from One Legal.

Where necessary officers are advised to consult with colleagues in One Legal on the implementation of the Policy to ensure that the Council's interests are protected.

**Signed off by:** Hayley Sims, Head of Law (Commercial and Property),  
[hayley.sims@onelegal.org.uk](mailto:hayley.sims@onelegal.org.uk)

## 1.3 Environmental and climate change implications

As identified in Appendix ii

## 1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities: *[please delete as appropriate]*

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

## 1.5 Equality, Diversity and Inclusion Implications

As identified in Appendix iii

## 1.6 Performance management – monitoring and review

The Head of Commercial & Income Generation is responsible for the implementation of the Corporate Advertising & Sponsorship Policy as well as the council's terms and conditions for advertisers and sponsors. The policy will be reviewed in 2027.

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## 2 Background

2.1 The incumbent Corporate Advertising & Sponsorship policy has been in place since 2015. During this time no further iterations have been adopted.

2.2 The Council has shared a vision for the town in the recently approved 2023-2027 Corporate Plan. Achieving this vision alongside running a sustainable, resilient local authority may involve placing and accepting advertising where appropriate, as well as seeking sponsorship or acting as a sponsor for certain initiatives or services.

2.3 This updated Advertising & Sponsorship Policy provides a framework for how we are promoted and how we promote others; ethically, consistently and aligned to our core values and principles.

### **3 Reasons for recommendations**

3.1 To ensure that the Council remains up to date with best practice and legislative requirements.

### **4 Alternative options considered**

4.1 None but Cabinet could decide not to approve the updated policy

### **5 Consultation and feedback**

5.1 Executive Director Finance, Assets & Regeneration; feedback incorporated into policy

5.2 Corporate Director & Monitoring Officer; feedback incorporated into policy

5.3 Leadership Team; feedback incorporated into policy

### **6 Key risks**

6.1 As identified in Appendix i

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#### **Report author:**

Sanjay Mistry, Head of Commercial & Income Generation, [sanjay.mistry@cheltenham.gov.uk](mailto:sanjay.mistry@cheltenham.gov.uk)

#### **Appendices:**

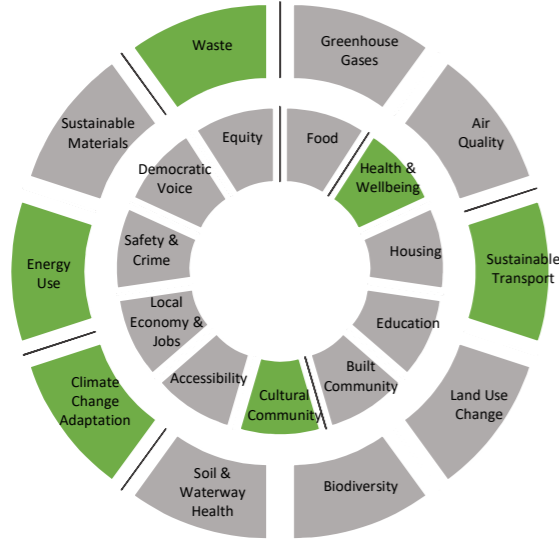
- i. Risk Assessment
- ii. Climate Change Impact Assessment
- iii. Equality Impact Assessment
- iv. Corporate Advertising & Sponsorship Policy

#### **Background information:**

Existing policy as available on the website [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

**Appendix 1: Risk Assessment**

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the Council does not review the incumbent policy which is 8 years old, then it faces a risk of reputational damage	Head of Commercial & Income Generation	2	5	10	Reduce	An updated policy has been drafted	Head of Commercial & Income Generation	October 2023



CHECKS

ENVIRONMENTAL	Scores	Action	Justification	Reviewed	Recommendation	Follow up	Conclusion
GHGs	0	No action required.	The policy in itself does not directly contribute to GHGs, but there				
Air quality	0	No action required.	The policy in itself does not directly contribute to GHGs, but there				
Sustainable Transport	4	No action required	The policy provides a framework within which suppliers of				
Biodiversity	0	No action required.	The policy in itself does not directly contribute to biodiversity				
Land use change	0	No action required.	The policy in itself does not directly contribute to land use change.				
Soil and waterway health	0	No action required.	The policy in itself does not directly contribute to Soil and				
Climate Change Adaptation	4	No action required	The policy in itself does not directly contribute to Climate Change Adaptation, but there is the opportunity that a potential advertiser				
Energy Use	4	No action required	The policy in itself does not directly contribute to Energy Use, but				
Waste	0	No action required.	The policy in itself does not directly impact Waste, but there is the				
Sustainable Materials	4	No action required	The policy in itself does not directly contribute to Sustainable				

SOCIAL	Scores	Action	Justification	Reviewed	Recommendation	Follow up	Conclusion
Food	1	No action required	The policy in itself does not directly contribute to Food access.				
Health	0	No action required.	The policy in itself does not directly contribute to Health &				
Housing	1	No action required	The policy in itself does not directly contribute to quality and				
Education	1	No action required	The policy in itself does not directly contribute to Education.				
Community	1	No action required	The policy in itself does not directly contribute to the Built				
Culture	0	No action required.	The policy in itself does not directly impact Cultural Community,				
Accessibility	1	No action required	The policy in itself does not directly impact Accessibility.				
Local Economy and Jobs	1	No action required	The policy in itself does not directly impact Local Economy & Jobs.				
Safety	1	No action required	The policy in itself does not directly impact Safety/Crime.				
Democratic Voice	1	No action required	The policy in itself does not directly impact Demographic Voice.				
Equity	1	No action required	The policy in itself does not directly impact Equity, but there is a				

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# Community impact assessments – for services, policies and projects

**What is a community impact assessment? ..... 1**

**Background ..... 1**

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## 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:

1. Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
2. Identify any inequalities people may experience.
3. Think about the other ways in which we can deliver our services which will not lead to inequalities.
4. Develop better policy-making, procedures and services.

## Background

<b>Name of service / policy / project and date</b>	<b>Corporate Advertising &amp; Sponsorship Policy</b>
<b>Lead officer</b>	<b>Sanjay Mistry – Head of Commercial &amp; Income Generation</b>

<b>Other people involved in completing this form</b>	<b>None</b>
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### Step 1: About the service, policy or project

<b>What is the aim of the service / policy / project and what outcomes is it contributing to</b>	By applying this policy, the Council aims to: <ul style="list-style-type: none"> <li>• Be consistent</li> <li>• Protect reputations</li> <li>• Boost opportunities</li> </ul>
<b>Who are the primary customers of the service / policy / project and how do they / will they benefit</b>	The primary customers are those wanting to promote their goods or services in order to gain publicity in the form of an advertisement on council controlled physical sites, electronic media, print, broadcast, appropriate events, campaigns or initiatives. This also includes where a customer wishes provide sponsorship in order to gain publicity or other benefits.
<b>How and where is the service / policy / project implemented</b>	Across Cheltenham
<b>What potential barriers might already exist to achieving these outcomes</b>	A lack of suitable assets which may hinder interest from prospective customers.

### Step 2: What do you already know about your existing and potential customers?

<b>What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information</b>	Marketing Cheltenham already manage the advertising space on lampposts and roundabouts, and the Council implemented advertising on its own website in 2021. Evidence suggests that that demand is stable and has the potential to grow with focussed promotion.  There are many more Council assets which could provide an effective advertising medium, and further the opportunity for income generation.
<b>What does it tell you about who uses your service / policy and those that don't?</b>	There are many businesses that choose to advertise locally or sponsor local events, either with the Council or via private suppliers. That being said, this does not limit the opportunity to attract larger nationally recognised organisations, providing the offering is attractive and the user experience is streamlined.
<b>What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?</b>	The Council's Leadership Team have been consulted and their feedback has been incorporated into the policy. Their view was that it was important to ensure that the policy was balanced and not considered to prohibitive thereby stifling commercial opportunity, but accepting that the Council has a reputation to protect and core values that must be demonstrated.

<b>If not, who do you have plans to consult with about the service / policy / project?</b>	
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### Step 3: Assessing community impact

How does your service, policy or project impact on different groups in the community? Please outline what you are already doing to benefit this group, what you are doing that might disadvantage this group, what you could do differently to benefit the group.

<b>Group</b>	<b>What are you already doing to benefit this group</b>	<b>What are you doing that might disadvantage this group</b>	<b>What could you do differently to benefit this group</b>	<b>No impact on this group</b>
<b>People from black and minority ethnic groups</b>	Nothing identified	Nothing identified	Nothing identified	
<b>People who are male or female</b>	Nothing identified	Nothing identified	Nothing identified	
<b>People who are transitioning from one gender to another</b>	Nothing identified	Nothing identified	Nothing identified	
<b>Older people / children and young people</b>	Nothing identified	Nothing identified	Nothing identified	
<b>People with disabilities and mental health challenges</b>	Nothing identified	Nothing identified	Nothing identified	
<b>People who have a particular religion or belief</b>	Nothing identified	Nothing identified	Ensure inappropriate advertising is not deployed in areas of high population	
<b>People who are attracted to their own sex, the opposite sex or to both sexes</b>	Nothing identified	Nothing identified	Nothing identified	
<b>People who are married or in a Civil Partnership</b>	Nothing identified	Nothing identified	Nothing identified	
<b>People who are pregnant or who are on maternity leave</b>	Nothing identified	Nothing identified	Nothing identified	
<b>Other groups or communities</b>	Nothing identified	Nothing identified	Ensure inappropriate advertising is not deployed in areas of high population	

#### Step 4: What are the differences?

<b>Are any groups affected in different ways to others as a result of the service / policy / project?</b>	The Council has a duty to ensure that inappropriate advertising and/or sponsorship is not located in areas where it could cause offence or distress to the local demographic.
<b>Does your service / policy / project either directly or indirectly discriminate?</b>	No
<b>If yes, what can be done to improve this?</b>	
<b>Are there any other ways in which the service / project can help support priority communities in Cheltenham?</b>	Effective advertising and sponsorship could be utilised to promote council services and events, especially in areas where the assets are not particularly attractive to commercial interest.

#### Step 5: Taking things forward

<b>What are the key actions to be carried out and how will they be resourced and monitored?</b>	Council adoption of the updated policy with immediate effect
<b>Who will play a role in the decision-making process?</b>	Cabinet
<b>What are your / the project's learning and development needs?</b>	None identified

**How will you capture these actions  
in your service / project planning?**

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# Cheltenham Borough Council Corporate Advertising & Sponsorship Policy

## Version control

**Document name:** Corporate Advertising & Sponsorship Policy

**Version:** 1.0

### Responsible officer:

- Sanjay Mistry, Head of Commercial & Income Generation

### Approved by:

- Cllr Mike Collins, Cabinet Member Cyber Regeneration and Commercial Income

**Next review date:** September 2027

**Retention period:** 4 years

## Revision history

Revision date	Version	Description
29/01/2015	N/A	Approved by Cabinet 10/02/2015
04/05/2023	0.1	Initial draft
11/05/2023	0.2	Updates following feedback from Executive Director Finance, Assets & Regeneration and Corporate Director & Monitoring Officer
31/05/2023	0.3	Updates following feedback from Leadership Team
24/08/2023	0.4	Updates following feedback from Cabinet Member Cyber Regeneration and Commercial Income
08/09/2023	1.0	Final version for Cabinet approval

## Consultees

### Internal

- Executive Director Finance, Assets & Regeneration
- Corporate Director & Monitoring Officer
- Leadership Team

### External

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## 1. Introduction and purpose of the policy

- 1.1. The Council has recently approved the [2023-2027 Corporate Plan](#) which sets out our priorities and future ambition for Cheltenham, which will help to ensure that everyone who lives and works here can equally share the benefits of Cheltenham's successes.
- 1.2. The Council shares a vision for the town with a number of key local stakeholders; public and private organisations, large charities, voluntary and community groups. Achieving this vision alongside running a sustainable, resilient local authority may involve placing and accepting advertising where appropriate, as well as seeking sponsorship or acting as a sponsor for certain initiatives or services.
- 1.3. This Advertising & Sponsorship Policy provides a framework for how we are promoted and how we promote others; ethically, consistently and aligned to our core values and principles.

## 2. Objectives of the policy

- 2.1. By applying this policy, the Council aims to:

### Be consistent

- a) Establish a consistent approach and set of standards
  - b) Provide a framework of controls
  - c) Ensure compliance with legislation, advertising industry codes and other council policies, including Communications Strategy and brand guidelines
- Ensure compliance with any relevant government guidelines e.g. domain protection at <https://www.gov.uk/guidance/how-you-are-accountable-for-protecting-your-govuk-domain>

### Protect reputations

- d) Safeguard and steward the image and environment of the town
- e) Uphold the council's reputation and corporate identity
- f) Further our strategic vision and support our priorities by facilitating communication

### Boost opportunities

- g) Secure best value for money and maximise opportunities for income generation
- h) Support development of our commercial partnerships with the private sector

## 3. Context and definitions

- 3.1. Advertising and sponsorship encompasses goods, services, ideas, causes, opportunities, prizes and gifts.

### 3.2. Advertising

Advertising is the practice and techniques employed to bring attention to a product or service. Advertising aims to put a product or service in the spotlight in the hopes of drawing it to the attention from consumers. Advertising is usually paid for.

The council's own use of advertising is part of our ongoing commitment to communicate openly; provide important public information, raise awareness of the council's role, work and successes, encourage positive behaviour change and promote opportunities for people to engage with the council and local decision making. Examples include promoting local consultations, encouraging people to vote and promoting public health campaigns.

Advertising techniques can take a number of formats and can be viewed via a variety of channels. Examples include newspapers, magazines, television, commercial radio, direct mail, blogs, websites, social media, text messages and outdoor advertising like billboards, roundabouts and lampposts.

A person who consumes advertising is anyone who is likely to receive a given marketing communication, whether in the course of business or not.

### 3.3. Advertising definition

For the purposes of this policy, advertising is defined as:

“An agreement between the council (or its intermediaries) and an advertiser, whereby the council receives money from an organisation or individual in consideration for which the advertiser gains publicity in the form of an advertisement on council controlled physical sites, electronic media, print, broadcast, appropriate events, campaigns or initiatives.”

**Or**

“An agreement between the council (or its intermediaries) and a provider, whereby the council pays money to an organisation or individual in consideration of which the council gains publicity in the form of an advertisement on or in externally controlled physical sites, electronic media, print or broadcast.”

### 3.4. Sponsorship

To sponsor something is to support an event, activity, person or organisation financially or by providing products or services. It should be mutually beneficial. Sponsorship should not be confused with other types of funding which the council administers e.g. grants.

There can be cross-over between how advertising and sponsorship works in

practice. For example, advertising on roundabouts is usually called sponsorship because the funds support the cost of maintaining these sites.

### 3.5. Sponsorship definition

For the purposes of this policy, sponsorship is defined as:

“An agreement between the council and the sponsor, where the council receives either money or a benefit in kind for a physical site, publication, event, campaign, initiative or naming right from an organisation or individual in consideration of which the sponsor gains publicity or other benefits.”

**Or**

“An agreement between the council and the sponsored party, where the council provides either money or a benefit in kind for an event, campaign or initiative which is fully owned by another organisation or individual and which in turn provides publicity or other benefits to the council.”

## 4. Policy scope and application

4.1. This policy has a dual scope, covering:

- a) The council as an advertiser or sponsor, and
- b) The council as an owner of an advertising platform or sponsorship opportunity which an external individual, group or organisation may wish to take up

4.2. Where the council wishes to sponsor an event or service no employee or member of their family must benefit unless full disclosure of interest has been made to the relevant director. All sponsorship must be recorded. Further details on this can be found in the employee code of conduct, specifically s5.12 relating to gifts, hospitality and sponsorship.

4.3. Recruitment advertising placed by the council should take account of this policy but is covered by a separate process and contract. Please contact the HR team for advice on all recruitment advertising related matters.

4.4. In certain instances, advertising of some notices is a requirement by law. For information on how to place statutory notices, please contact the council's legal services provider.

4.5. Any historical sponsorship, advertising or contractual arrangements affected by this policy should be reviewed at the next contractually available juncture.

## 5. General principles

5.1. When working with an advertiser or sponsor, it will be essential that:

- a) Any agreement supports the council's strategic vision as set out in the [Corporate Plan 2023/2027](#)
  - b) It is compatible with the council's wider strategies and policies.
- 5.2. The council will not permit advertising or sponsorship arrangements in the following situations:
- a) In all scenarios where it is legally permissible, the council will refuse applications from companies who are in a dispute with the council or where there is pending/active legal action.
  - b) When companies are in contract negotiations with the council where acceptance or advertising or sponsorship arrangements may be viewed as an endorsement of a bid.
  - c) When a company conducts itself in a manner which conflicts with the council's core values.
- 5.3. In addition the council will uphold the guidelines as laid out in the national [Code of Recommended Practice on Local Authority Publicity](#) and the [Advertising Standards Authority](#). This means that the council is not able to enter into an advertising or sponsorship agreement which connects the council with lending support to any political party.
- 5.4. Whether advertising and/or sponsorship is a suitable method for achieving our objectives, or whether external requests to use council owned platforms should be approved, will be decided on a case-by-case basis on the merits of each opportunity or request.
- 5.5. The council does not take a "allow list" approach (which is when specific permitted advertising is defined), but rather follows a 'deny list' approach which is when the basic assumption is that advertising is permitted unless it falls into a number of prohibited categories or is deemed to have an adverse impact, as defined in section 6.
- 5.6. The council may advertise its own services as appropriate using its own platforms. This may include adverts relating to traded services or quasi-trading services, which generate an income. The council permits paid-for advertising on some of the platforms it owns, and this may include advertising from companies including the council's wholly-owned companies. In both these circumstances the council will comply with the [Local Authority Supply of Goods and Services Act \(1970\)](#).
- 5.7. The council must ensure a return on investment when it is a sponsor. The appropriate lead officer must consult the councils Communications team before deciding whether the council should be a sponsor or whether sponsorship of a council product/service is the best marketing communication method.

- 5.8. The use of branding and logos of any sponsoring company must be compatible with the council's corporate brand guidelines.
- 5.9. The size and positioning of sponsors' logos on any promotional material, goods or signage must be considered by the appropriate lead officer in conjunction with the councils Communications team.
- 5.10. The council reserves the right to develop a partnership working arrangement for the delivery of advertising and sponsorship opportunities. It must comply with the council's procurement policy should it wish to proceed down this route.
- 5.11. The council reserves the right to remove advertising without reference to the advertiser.

## 6. Advertising and sponsorship content requirements

- 6.1. The council welcomes all opportunities to work with advertisers or sponsors (or consider acting as an advertiser or sponsor) where such arrangements support its core values, strategic goals, corporate objectives and/or helps drive forward the council's aspirations.
- 6.2. The council will not permit any advertising and/or sponsorship that represents a conflict of interest or is likely to cause serious or widespread offence. Particular care will be taken in relation to race, age, religion or belief, sex, sexual orientation, disability, gender identity or gender expression, pregnancy or maternity and marriage or civil partnership.
- 6.3. Content that is **not** permitted for advertising and/or sponsorship includes, but is not limited to, advertising that contains, implies, or suggests any of the following:
  - a) Advocacy of, or opposition to, any party political purpose
  - b) Disparagement of any person or class of persons
  - c) Promotion or incitement of illegal acts
  - d) Promotion or availability of tobacco products or substitute tobacco products, weapons, or illegal drugs
  - e) Advertising of loan advancers which meet the Financial Standards Authority's definition of 'High Cost Short Term (HCST)'
  - f) Advertising of organisations who offer ways to avoid paying legitimate tax in the UK
  - g) Advertisements that infringe on any trademark, copyright, or patent rights of another company
  - h) Claims or representations in violation of advertising or consumer protection laws
  - i) The above list is not exhaustive, and the council retains the absolute right to decline advertising and/or sponsorship from any organisation, group or individual or in respect of particular products which the council in its sole

discretion considers inappropriate, conflicts with services already the organisation or is incompatible with the council's core values and strategic goals as set out in its [Corporate Plan](#).

6.4. The Council will also make an assessment of the following impacts before approving an application for advertising or sponsorship.

- a) The climate emergency
- b) Public health and wellbeing
- c) Social value
- d) Council reputation

6.5. The restrictions above apply both to the explicit promotion of goods and services, and implicit promotion as part of advertising or sponsorship of other types of goods, products, or services.

## 7. Other considerations

7.1. When considering advertising and/or sponsorship, we will ensure that:

- a) It maximises the opportunities to attract commercial revenue for the appropriate events, campaigns or initiatives
- b) The council's position and reputation is adequately protected
- c) An appropriate return on investment is sought
- d) A consistent and professional approach is adopted in the development of sponsorship agreements
- e) It protects elected members and officers from potential allegations of inappropriate dealings or favouritism with sponsors
- f) It contributes to the delivery of one or more of the council's priorities as set out in its [Corporate Plan](#)
- g) Where appropriate it fulfils and complies with the council's Procurement Rules

7.2. All advertising and/or sponsorship arrangements (excluding those made by a third party under a formally procured contract or concession arrangement) must be governed by a signed Advertising or Sponsorship Agreement and logged with the Council's Head of Commercial & Income Generation.

## 8. Responsibilities and procedures

8.1. All council services, employees and elected members (when acting in an official capacity for or on behalf of the council) must comply with this policy.

8.2. The council holds personal data of service users and compliance with the [Data Protection Act 2018](#) and the [General Data Protection Regulation](#) will be adhered to in all cases. Careful consideration will be given to whether it is appropriate and legal for specific data to be used for any advertising or direct marketing purposes. When required, people will be asked whether they are willing to 'opt-in' to receive

news, information or advertising messages from the council to ensure compliance when personal data is gathered and used.

- 8.3. The Head of Commercial & Income Generation is responsible for the implementation of the Corporate Advertising & Sponsorship Policy as well as the council's terms and conditions for advertisers and sponsors. Additional expertise on advertising and sponsorship can be provided by the council's Communications team.
- 8.4. The council's Communications team is responsible for advising on all advertising opportunities and enquiries unless these are discharged by a third party under a formally procured contract or concession agreement. Where this is the case, any third party must apply this policy and this should be reflected in contractual arrangements.
- 8.5. Advertising and sponsorship agreements with values above £50,000 must be approved by the Executive Director Finance, Assets & Regeneration with the appropriate Cabinet Member, and all agreements must comply at all times with the council's procurement rules. There must be consultation with the council's Communications team, and where relevant, with other Business Partners, including but not limited to One Legal, Procurement, Risk and Insurance.
- 8.6. Advertising and sponsorship agreements with values of between £1,000 and £50,000 (or covering more than one financial year with an aggregate total of between £1,000 and £50,000) must be agreed and countersigned by the relevant service Director. The relevant Cabinet Member should be made aware of any agreements valued between £10,000 and £50,000.
- 8.7. Advertising and sponsorship agreements with values of less than £1,000 (and relating to one financial year or event) can be agreed by the relevant cost centre manager and countersigned by the Head of Commercial & Income Generation (unless there are any special circumstances which make authorisation by the relevant Director desirable e.g. if the issue might be politically sensitive, or the advertiser or sponsor has requested unusual conditions).
- 8.8. In all instances the Head of Commercial & Income Generation must be notified of all advertising and sponsorship opportunities to identify whether any further consultation requirements are needed, this may include the Leadership Team and/or Lead Cabinet Member.
- 8.9. In all instances the Head of Commercial & Income Generation must be notified of all completed agreements so that they may be entered onto the central advertising and sponsorship register.



## 9. The council's role as a local planning authority

9.1. Advertising infrastructure or platforms which require consent under planning legislation are also subject of applications to Cheltenham Borough Council as the local planning authority. In accordance with planning law, applications are considered having regard to considerations of amenity and public safety.

They may be considered to have an unacceptable impact on amenity or public safety where they would:

- a) Create or reinforce an incongruous feature in, or result in a negative visual impact on, its immediate neighbourhood;
- b) Detract from the character or setting of any feature of scenic, historic, architectural, cultural or similar interest;
- c) Be harmfully prominent in medium or long distance view;
- d) Cause a noise or other nuisance;
- e) Result in a negative impact on residents' living conditions by reason of its siting or illumination; or
- f) Would be likely to distract the attention of motorists and other road users.

9.2. Some advertising infrastructure or platforms benefit from 'deemed consent', which means permission is not needed for the local planning authority, depending on the size, position and illumination of the advert. Where the council proposes to install advertisements under deemed consent it will ensure there is no harm to amenity and public safety by applying the criteria above.

## 10. Industry codes

10.1. The advertising industry operates within a heavily legislated and regulated landscape with strict industry codes. The council will always adhere to the terms of any current legislation and relevant national recognised industry codes.

10.2. The [Advertising Standards Authority](#) (ASA) is the UK's independent regulator of advertising across all media. They apply the Advertising Codes, which are written by the Committees of Advertising Practice (CAP). The UK Advertising Codes lay down rules for advertisers, agencies and media owners to follow. The ASA proactively monitors advertising for compliance as well as responding to complaints, and issues rules on its investigations.

10.3. The ASA codes of practice are the 'rule books' which cover two areas:

- a) The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) is the rule book for non-broadcast advertisements, sales promotions and direct marketing communications.
- b) The UK Code of Broadcast Advertising (BCAP Code) applies to all advertisements (including teleshopping, content on self-promotional channels,



TV text and interactive TV ads) and programme sponsorship credits on radio and TV services licensed by Ofcom.

10.4. The ASA codes cover a wide range of guidance including:

- a) misleading advertising;
- b) harm and offence;
- c) political advertisements;
- d) environmental claims;
- e) medicines, medical devices, health related products and beauty products;
- f) weight control and slimming;
- g) financial products;
- h) gambling;
- i) lotteries;
- j) alcohol;
- k) tobacco, rolling papers and filters;
- l) electronic cigarettes; and
- m) specific guidance when featuring or addressing children.

## 11. Further information

Relevant codes of practice, policies and legislation have informed this policy:

- a) [The Advertising Standards Authority \(ASA\)](#)
- b) [Recommended code of practice for local authority publicity](#)
- c) [Department of Health and Social Care nutrient profiling model](#)
- d) [Local Authority Supply of Goods and Services Act \(1970\)](#)
- e) [Cheltenham Borough Council branding](#)
- f) [Town and Country Planning Act 1990](#)
- g) [Data Protection Act 2018](#)
- h) [General Data Protection Regulation](#)
- i) [Gambling Act 2005](#)
- j) [Limiting harmful outdoor advertising – briefing for councils in England & Wales](#)

For any queries about this policy please contact the Communications team on 01242 264231 or [communications@cheltenham.gov.uk](mailto:communications@cheltenham.gov.uk)

## 12. Disclaimer

Acceptance of advertising and sponsorship does not imply endorsement of products and services by Cheltenham Borough Council. In order to make this clear all council owned and branded publications, or other media, containing advertising or sponsorship should carry the following disclaimer:

“Cheltenham Borough Council cannot accept liability for errors or omissions contained in any advertising provided by an advertiser or sponsor. Cheltenham

Borough Council does not accept any liability for any information or claims made by the advertisement or by the advertiser or sponsor. Any inclusion of Cheltenham Borough Council's name on a publication should not be taken as an endorsement by Cheltenham Borough Council."

## Cheltenham Borough Council

### Cabinet - 07 November 2023

## LGA Peer Challenge Report

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#### **Accountable members:**

Cllr Rowena Hay, Leader of the Council

#### **Accountable officers:**

Gareth Edmundson, Chief Executive

#### **Ward(s) affected:**

All

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**Key Decision:** No

#### **Executive summary:**

Cheltenham Borough Council invited the Local Government Association (LGA) to conduct a Peer Challenge Review of the Council in July 2023.

Peer Challenges form part of sector-led improvement in local government and are part of the core offer of the LGA. Peer teams include peers from across the sector comprising of both councillors and officers. Each Peer Challenge is tailored to the needs of each individual local authority but all challenges retain a core focus on leadership, governance, corporate capacity and financial resilience.

This report contains the full LGA Peer Challenge Report in **Appendix 2** as well as the Council's action plan to respond to the recommendations made by the LGA within the report.

#### **Recommendations: That Cabinet:**

- 1. notes the LGA Peer Challenge Report in Appendix 2;**
- 2. approves the Peer Challenge Action Plan in response to the recommendations within the Peer Challenge Report as set out in Appendix 3;**

**3. welcomes a further visit by the LGA Peer Team, expected in early 2024, to review the progress in delivering the action plan.**

---

## **Implications**

### **1.1 Financial, Property and Asset Implications**

None directly as a result of this report, however, financial implications will be provided where applicable if further reports or decisions are required in order to deliver actions as set out in the report.

**Signed off by:** Gemma Bell, Director of Finance and Assets (Deputy Section 151 Officer), [gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk)

### **1.2 Legal Implications**

None directly as a result of the decisions within this report but legal implications will be provided where appropriate for any decisions required in the delivery of the action plan as detailed in the report.

**Signed off by:** Claire Hughes, Corporate Director and Monitoring Officer, [claire.hughes@cheltenham.gov.uk](mailto:claire.hughes@cheltenham.gov.uk)

### **1.3 Environmental and Climate Change Implications**

Environmental and climate change implications, including necessary climate impact assessments will be conducted where needed throughout the implementation of the action plan set out in this report.

**Signed off by:** Paul Jones, Executive Director for Finance, Assets and Regeneration, (Section 151 Officer), [paul.jones@cheltenham.gov.uk](mailto:paul.jones@cheltenham.gov.uk)

### **1.4 Corporate Plan Priorities**

This report and the action plan contained within it contributes to all of the Corporate Plan 2023-2027 Key Priorities:

- Enhance Cheltenham's reputation as the cyber capital of the UK
- Working with residents, communities and businesses to help make Cheltenham net zero by 2030
- Increasing the number of affordable homes through our £180m housing investment plan
- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

**Signed off by:** Ann Wolstencroft, Head of Corporate Services, [ann.wolstencroft@cheltenham.gov.uk](mailto:ann.wolstencroft@cheltenham.gov.uk)

## 1.5 Equality, Diversity and Inclusion Implications

Equality impact assessments will be completed where appropriate and required in the delivery of the action plan contained within this report.

**Signed off by:** Claire Hughes, Corporate Director and Monitoring Officer,  
[claire.hughes@cheltenham.gov.uk](mailto:claire.hughes@cheltenham.gov.uk)

## 1.6 Performance Management – Monitoring and Review

The action plan contained within this report, particularly those relating to organisational culture change, will support the council in developing a stronger performance culture where tracking and monitoring performance data to improve and maintain services is increasingly embedded within the organisation.

**Signed off by:** Ann Wolstencroft, Head of Corporate Services,  
[ann.wolstencroft@cheltenham.gov.uk](mailto:ann.wolstencroft@cheltenham.gov.uk)

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## 2 Background

- 2.1 Peer Challenges form part of sector-led improvement in local government and are part of the core offer of the LGA. Peer teams include peers from across the sector comprising of both councillors and officers.
- 2.2 The peer team use their experience and knowledge of local government to reflect on the information presented to them by people they meet, things they see and material that they read. The peer team prepare by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing.
- 2.3 In Cheltenham's case, following this review of documentation and information the team spent three days onsite in July 2023 during which they:
  - Gathered information and views from more than 36 meetings, in addition to further research and reading.
  - Spoke to more than 85 people including a range of council staff together with members and external stakeholders.
  - At the end of the on-side visit a meeting inviting all CBC officers and members was arranged to hear the initial findings and recommendations of the peer team.
- 2.4 The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:
  - Cllr Sarah Butikofer - Chairman North Norfolk District Council
  - Cllr Simon Minas-Bound - Conservative Group Leader Basingstoke & Deane Borough Council

- Jason Gooding – Former Chief Executive, Carlisle City Council
- Gabrielle Mancini – Service Director Transformation, West Berkshire Council
- David Shepherd – Strategic Director for Growth and Regeneration, Kirklees Council
- Kathryn Trant – LGA Peer Challenge Manager

2.5 The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

- **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
- **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
- **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
- **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
- **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

In addition, CBC specifically asked the peer team to provide a view and some recommendations for improvement on the council's approach to building sustainable communities and ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity.

2.6 Overall, the Council welcomed the peer challenge process and offers its thanks to the LGA and the dedicated Peer team who took the time to prepare for the challenge, visit Cheltenham and engage with so many members, officers and stakeholders in order to develop the report and the recommendations within it. The full Peer Challenge Report and recommendations can be found in **Appendix 2**.

### 3 Action Plan

3.1 An action plan has been developed to respond to the recommendations contained within the Peer Challenge Report. In addition to the actions, a progress update has also been included to monitor delivery since the Peer Team's visit to CBC. The full action plan is included in **Appendix 3**.

### 4 Key risks

4.1 These are shown in **Appendix 1**.

**Report author:**

Gareth Edmundson, Chief Executive

**Appendices:**

1. Risk Assessment
2. Peer Challenge Report
3. Action Plan

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
PR1.	If CBC do not respond proactively to the points made in the review then an opportunity to learn and develop will be wasted.	Gareth Edmundson	3	3	9	Reduce	<p>Presentation completed with all staff.</p> <p>Leadership team engaged in outcomes.</p> <p>Member support for the actions.</p>	Gareth Edmundson	November 23
PR2.	If CBC do not achieve the actions within the Peer Review plan then it may impact on CBC's finances, people & reputation.	Gareth Edmundson	3	3	9	Reduce	<p>Monitor progress.</p> <p>Deadlines in place.</p>	Gareth Edmundson	Ongoing
PR3	If CBC do not act on the feedback from the Peer Review then the Council may suffer reputational damage from the LGA.	Gareth Edmundson	3	2	6	Reduce	<p>Feedback progress to Peer review team.</p>	Gareth Edmundson	Ongoing



# LGA Corporate Peer Challenge

Cheltenham Borough Council

18<sup>th</sup> – 20<sup>th</sup> July 2023

Feedback report



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## 1. Executive summary

Cheltenham Borough Council (CBC) has a unique ambition to cement Cheltenham as the cyber capital of the UK. CBC sets high standards for the council and the town in order to build a better future for everyone in Cheltenham, striving to ensure that everyone who lives and works there can equally share the benefits of Cheltenham's success.

CBC understands that it cannot achieve this alone, it will require the support of local partners, many of whom hold the council in high regard. Partners understand and are aware of the key priorities to support the council's ambition as set out in the revised corporate plan.

The Golden Valley Development is seen as key to achieving the priority to enhance Cheltenham's reputation as the cyber capital of the UK. This is a project of national significance, and the council has made a substantial investment towards delivery of the project. Given the size and profile of this project, CBC has put robust risk and project management in place to monitor delivery and there is a dedicated team to support the project.

The council is working with partners to develop Golden Valley, and this is crucial. It is important that the council more proactively engages with communities, residents and businesses. For example, such engagement could help influence and measure the social value of the project, enabling the council to act even more strategically to achieve, for example, a skills plan. A plan such as this could help outline how the future workforce requirements for Golden Valley could be met and local young people benefit from those opportunities.

In addition to the Golden Valley Development, CBC has an ambitious programme for strategic development across the Borough, including The Reddings housing development as an example of estate regeneration and Junction 10 of the M5 as an infrastructure project which is critical to the success of Golden Valley. Taking the opportunity to fully engage with the community and with partners as projects are delivered, consulting with purpose and communicating regularly will help the council to shape and promote its wider Place shaping activity. That communication, providing a clear focus on outcomes and benefit delivery, will help the council to celebrate with staff and residents all the positive outcomes they are achieving.

Given the nature of the council's priorities, including both the opportunities and risks that these create, it has purposely chosen to increase capacity within the finance team to enable a strong focus on the council's financial position. There is a shared understanding across the council of the financial challenges being faced, although more thorough briefings on the financial position and training to better understand the implications of decisions would reinforce that understanding. Mechanisms need to be put in place to ensure budget monitoring and delivery of savings. Achievement of savings is a corporate responsibility and accountability should be built in both individually and collectively across the council.

Working with residents, communities and businesses to help make Cheltenham net zero by 2030 is a council priority. There is a strong organisational and political commitment to achieving this, but the delivery pathway should be reviewed to include delivery milestones. This will help staff and partners to see progress and how they are contributing to success.

Increasing the number of affordable homes is also a key priority of the council and this will need to be achieved working with Cheltenham Borough Homes and other development partners. The council should consider further alignment with Cheltenham Borough Homes to support delivery of corporate priorities. This should build on the success of the shared communications team and seek to extend this to IT systems, shared offices, communities' support resource and housing delivery.

CBC has a strong culture of partnership working and now is a good time to review this and build even stronger and effective relationships into the future. As part of this the council should consider rationalising those partnership arrangements and creating a stakeholder framework to avoid duplication of work and meeting attendance and to effectively signpost residents and communities for support and information.

Council members are well regarded by the external stakeholders we met with and have established effective working relationships, for which they should be commended. The Leader and other Cabinet members provide effective leadership in key strategic areas and are embedding a clear set of political priorities which will support the ambitions set out within the corporate plan.

Member to member relationships are positive. Members could be better supported through a review of the member induction process with the aim being to support their understanding of their roles and responsibilities as well as those of partner organisations. This should include a refresh of scrutiny training enabling members to ensure scrutiny is adding value and providing constructive challenge.

The positive can do culture of the council was highlighted by staff and partners and the senior leadership team actively demonstrate the council values and behaviours. These should formally be rolled out across all levels of management so that all staff can benefit.

An in-house HR team is in the process of being created and once in place, processes should be developed for staff induction and appraisals. This will support embedding the can do culture across all staff and linking appraisals to corporate priorities will build accountability. Developing internal communications to include regular project updates will again build the sense of accountability amongst staff. The culture that permeates the organisation and many of the improvements suggested within this report will be achieved through a continuation of the direction and momentum already established.

CBC is aware of the changing diversity of its communities and positive examples of council activity within the community were reflected to the peer team such as the work to establish CARE and support to the LGBTQ community. However, some internal stakeholders reported a sense that the council is not doing enough to support staff with protected characteristics. The council has a clear desire to improve and should take the opportunity once the HR team is in place to co-produce an updated equalities, diversity and inclusion policy. The inclusive culture that the council is already developing provides a strong foundation from which they can build and a productive environment for this work to be successful.

## 2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

## **2.1 Golden Valley Development**

The Golden Valley Development project is well managed in terms of finance and risk. Now is the time to be engaging with communities, businesses and residents to look at how the council can create and measure social value; it is important that the council thinks strategically about what it wants to achieve, for example, a skills plan and a brighter future plan for the county to provide a pipeline to meet workforce requirements and ensure unique opportunities are not missed.

## **2.2 Ensure achievement of savings for 2023/24 budget**

Ensure there is the discipline to achieve savings targets included in the 2023/24 revenue budget. Achieving savings is an organisation wide responsibility, build accountability into management of teams and individuals through the appraisal process.

## **2.3 Net Zero 2030**

Refine the pathway to Net Zero 2030 in order to include clear performance measurements and milestones to demonstrate that the council is on track for delivery.

## **2.4 Further align with Cheltenham Borough Homes**

Look for further opportunities for alignment with Cheltenham Borough Homes to support delivery of corporate priorities.

## **2.5 Undertake purposeful consultation**

Think carefully about communications and consultations. Consult with a purpose – there has been good consultation around the Golden Valley vision but there is a wider place shaping responsibility. Raise the council's profile and get people engaged and interested – create advocates for the Place.

## **2.6 Rationalise partnerships and meetings to work at a strategic level**

Consider rationalising the council's partnerships and meetings and creating a stakeholder framework. The council already works well at a project level, work at a strategic level to deliver Place leadership.

## **2.7 Member Induction and training**

Improve Member Induction to support Members in understanding their roles and responsibilities and look to refresh Scrutiny training to give Members confidence to add value and constructive challenge.

## **2.8 Embed the Cheltenham Borough Council culture**

Work to embed the culture of the organisation more widely so that all staff benefit.

## **2.9 Develop processes for staff induction and appraisals**

Once the HR team is in place, develop processes for staff induction and appraisals that will include targets that link back from the council priorities, enabling staff to have a sense of accountability and responsibility. Alongside these processes, develop internal communications to be more effective, for example by providing regular updates to staff on the progress of projects and key priorities.

## **2.10 Equalities, Diversity and Inclusion**

The council should take the opportunity once the HR team is in place to co-produce an Equalities, Diversity and Inclusion strategy and policy. The inclusive culture that the council is already developing provides a productive environment for this work to be successful.

## 3. Summary of the peer challenge approach

### 3.1 The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

- Cllr Sarah Butikofer - Chairman North Norfolk District Council
- Cllr Simon Minas-Bound - Conservative Group Leader Basingstoke & Deane Borough Council
- Jason Gooding – Former Chief Executive, Carlisle City Council
- Gabrielle Mancini – Service Director Transformation, West Berkshire Council
- David Shepherd – Strategic Director for Growth and Regeneration, Kirklees Council
- Kathryn Trant – LGA Peer Challenge Manager

### 3.2 Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?



**5. Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

In addition, CBC specifically asked the peer team to provide a view and some recommendations for improvement on the council's approach to building sustainable communities and ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity.

**3.3 The peer challenge process**

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent three days onsite at CBC, during which they:

- Gathered information and views from more than 36 meetings, in addition to further research and reading.
- Spoke to more than 85 people including a range of council staff together with members and external stakeholders.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

## 4. Feedback

**4.1 Local priorities and outcomes**

CBC has a newly approved corporate plan that sets out the priorities and future ambition for Cheltenham. The peer team heard from members, officers and external stakeholders that there is a shared understanding of the council priorities. However, there is less clarity on how and when those priorities are to be delivered.

The Golden Valley Development will support the number one key priority to 'enhance Cheltenham's reputation as the cyber capital of the UK'. This is a hugely important project of national significance and is accepted as a shared priority amongst external partners. There is confidence both within the council and from partners that this development will be delivered. There has been significant investment from the council which is reflected in the robust project and risk management that supports it.

In order to ensure the effective delivery of the Golden Valley Development, there is a dedicated team to support the project progress and the council has entered into an agreement with a development partner. Positive wider partnership working, for example with the county council, will be key to ensuring the infrastructure demands of the development will be met so the council needs to maintain a front and centre focus on these relationships to maintain timely delivery of the project.

CBC has demonstrated ongoing commitment to the Golden Valley Development and stakeholders stated that the council should be given credit for its part in the project. However, it is clear that the benefits of the Development are not always widely understood by community stakeholders. From an internal perspective, a proactive communications strategy with regular updates will help staff to feel more engaged and to understand how the Development contributes to the council's wider Place narrative.

Externally, it is important that the council establishes a positive narrative about the benefits of the Development. The peer team recommends engagement with the community, particularly with young people, to help define what social value the council would like to achieve from the Development, for example, the skills requirement for the future employment opportunities. Resources are available to support the council to do this including a Social Value Portal which is used by neighbouring councils and a [Social Value Toolkit for District Councils](#) which is available on the LGA website.

CBC has a priority to 'work with residents, communities and businesses to help make Cheltenham net zero by 2030'. CBC has a dedicated web page providing advice to residents and businesses, a link to the action plan 'pathway to net zero' and information about the various projects being undertaken to support this priority.

Despite this, partners and staff reported that they are unclear on how much progress has been made and there is insufficient clarity on the delivery plan to give confidence to all stakeholders that this priority will be delivered. Staff understand that climate action is an organisation wide responsibility that should not sit with just one team. The cabinet member for climate emergency proactively updates cabinet on a regular basis and sharing those updates more widely, along with a revised action plan with clear milestones, would strengthen the momentum and strong desire amongst staff to achieve this priority. The peer team recommends that the council refines the pathway to net zero 2030 action plan in order to include clear performance measurements and milestones that will demonstrate progress.

CBC is in the process of linking performance management data with corporate plan priorities. Once complete, this will provide the data to monitor progress against corporate plan delivery and will enable success to be measured. The council now has a performance management system in place that will overcome the previously inconsistent approach. The new system will support managers to use data to make decisions based on evidence and outcomes and so drive improvement.

The peer team heard how the council is doing a significant amount of work to address the areas of deprivation within Cheltenham, for example, the recent publication of the [Tackling Multiple Deprivation](#) report. A further example is the '[No Child Left Behind](#)' initiative which is an impressive project that has the involvement of all borough schools, has raised the profile of child poverty and aims to help all young people to thrive. However, the project outcomes are not widely captured. As with progress against action plans, project outcomes either need to be measured or, if they have been measured, they need to be widely shared as there is a low level of awareness across stakeholders. CBC should be proud of what it achieves and should not be reluctant to share its successes.

A recurring message to the peer team was that the council “quietly gets on and does things”. Whilst this is admirable, it is important to share outcomes with staff and stakeholders. Regular and detailed communication would help to raise the council’s profile and get residents and communities engaged, potentially creating advocates for Place who could share and support the council’s Place vision. It is equally important to listen, and when the council consults it should do so with a purpose.

Whilst the peer team heard of good consultation around the Golden Valley Development, the council has a wider place shaping responsibility and engaging with communities, building on the great community support work the council did during Covid, would help to address concerns raised by partners that the focus on the new Golden Valley Development is at the expense of the old Cheltenham.

#### **4.2 Organisational and place leadership**

The leadership of CBC is open and approachable with staff valuing the chief executive's genuine open door policy.

Both the leader and the chief executive are recognised by staff and stakeholders for their leadership qualities. For example, the business stakeholders appreciated the chief executive setting out the council's corporate priorities to them and the public sector stakeholders reported that the positive leadership of CBC enabled strong partnerships to form across the public and voluntary sectors with CBC challenging and leading where appropriate. The chief executive has led a change of organisational culture which is valued and recognised across the organisation by staff, managers and members. The senior leadership team demonstrate the values and behaviours of the organisation, for example 'Own it' and 'Get it done', however, they are not embedded at all levels. It is important that the council works to embed the positive culture throughout the organisation so that the benefits are experienced by all.

CBC is aware of the changing diversity of its communities and has worked with local residents to establish 'Cheltenham Alliance for Race Equality' (CARE). The peer team heard some positive examples of council activity within the community, such as the work to establish CARE and support to the LGBTQ community, however, internal stakeholders reported a sense that the council is not doing enough. It is positive to note that a new equality and diversity policy is being produced and equality objectives are being developed with an action plan. The council has a clear desire to improve and should take the opportunity once the HR team is in place to co-produce that updated equalities, diversity and inclusion policy. The inclusive culture that the council is already developing provides a strong foundation from which they can build and a productive environment for this work to be successful.

Post Covid, councils have taken different views regarding hybrid working. CBC offers flexibility to staff to enable working from home and this was seen by staff as positive. However, the peer team also heard from inside and outside the council, of challenges in contacting the right people within the council. This may be exacerbated by a lack of induction training for new starters but equally could easily be addressed internally with an up to date staff contact list which is in the process of being produced. It is positive to see that the HR function is being brought in house from Publica. Once the HR team is in place, the council should develop processes for staff induction, development and appraisals that will include targets that link back from the council priorities, enabling staff to have a sense of accountability and responsibility.

The Chief Executive's monthly staff briefings are positively received and are regularly attended by around 100 staff. The leader also attends, demonstrating her keenness to engage with staff. The World Cafes where staff come together to discuss a specific topic, are similarly well regarded. However, staff also reported that regular updates on progress with priorities and celebrating success for example would be appreciated and again, would help staff with enhance a sense of accountability.

CBC works with a number of partners and delivery organisations, and this can cause some confusion to communities as the council can be perceived as operating as multiple organisations rather than just one. Improving external communications would help to address this. For example, the peer team heard that a lack of clarity around lead officers can sometimes mean that members of the community often engage only with their ward members. It is positive that both residents and other stakeholders have good relationships with ward members, but relationships with the council could be enhanced by having clarity over who the most appropriate lead officer is for key communication and engagement issues.

Given the two tier local government structure in Gloucestershire, CBC works closely with the county council in a number of areas. A strong relationship with the county council is vital, particularly with the interdependencies around economic growth projects. There is an opportunity to strengthen the relationship between the county council and CBC via the City Region Board that is currently in development. This could offer a vehicle to align the strategic growth ambition of the county with the

place ambition of district partners like CBC, ensuring the proceeds of growth are managed to deliver wider policy outcomes at a place level. Effective leadership will be required to carefully steer the new governance and achieve long lasting results.

Whilst the council is regarded as working well with partners, the number of partnerships is significant and there is a risk of duplication. The peer team would recommend that the council rationalise the number of partnerships and meetings and have a stakeholder framework to demonstrate a shared vision for Place. This rationalisation would address some duplication and show that the council's focus is Borough wide. That shared vision for the Place will assist in making sure that interventions are directed to a common purpose and will help to signpost residents and communities to appropriate areas for support and information.

#### **4.3 Governance and culture**

CBC operates a strong leader model of governance; the leader is deeply committed to transparency and collective decision making is the standard. The leader holds regular meetings with political group leaders and the cabinet meet monthly on an informal basis with the senior leadership team. There are good working relationships amongst members across the political spectrum. This was reflected in discussions with both members and officers and evidences the positive culture of the organisation. The council should be commended for the high standards of behaviour demonstrated by the positive member to member and member to officer relationships.

CBC has adopted the Gloucestershire wide Member Code of Conduct, based on the LGA Model Code of Conduct, and supplemented by a Protocol for Member/Officer Relations. Adoption of the code demonstrates a desire across the council for mutual respect.

CBC has effective governance arrangements in place demonstrated by the corporate governance group which is chaired by the chief executive and includes the monitoring officer and s151 officer. Members reported how well officers support them and there is confidence in officers' knowledge and ability, particularly at a senior management level. Similarly, officers reported constructive working relationships with members with a high degree of engagement.

The council works with many key partners, and it is important that new members understand where those key partners fit in relation to their responsibilities and those of the council. The member induction programme could be improved with a view to giving members a better understanding of their own roles, responsibilities and accountabilities and those of officers, along with how key partners work with the council. A complete understanding of roles, responsibilities and interdependencies will ultimately enhance the operation of the council. Undertaking a review of the member induction process now would give time for a new induction programme to be in place for the next elections in May 2024.

There are excellent pieces of work from the Overview and Scrutiny Committee, such as the Tackling Deprivation report, and recommendations arising from Overview and Scrutiny Committee are listened to and respected. However, on occasion scrutiny can be light touch and the peer team saw little evidence of 'pre-scrutiny' and therefore the scrutiny function may not be adding maximum value, particularly in scrutinising the internal operations of the council. In addition, some members reported a lack of confidence in undertaking their scrutiny role and the processes of the scrutiny function. The peer team would therefore recommend a refresh of scrutiny training to give members confidence in the process to add maximum value and to agree the role and function of scrutiny within CBC.

Historically, a number of reports were presented to council and committees as fully exempt items rather than public reports with exempt appendices for sensitive information. This is not in line with the culture of transparency that about the council advocates. However, the new Monitoring Officer has already had an impact in this area and therefore the peer team does not expect this to be an ongoing issue.

#### **4.4 Financial planning and management**

CBC, like all councils, has been impacted by the current economic climate and the cost of living crisis. These challenges have led to the council to respond accordingly and for the financial year 2022/23 a savings target of £1.5m was set. Disappointingly, less than £1m of those savings were made and therefore in February this year the council chose to set a revised budget for 2022/23 by using general fund reserves of £2.5m.



To set a balanced general fund budget for 2023/24, CBC has set a savings requirement of £1.3m. The peer team believe the inability to meet the savings target for 2022/23 is a cause for concern and it is fundamentally important that the council now shows the necessary discipline to achieve the savings for 2023/24. We understand the General fund reserves are now below the level recommended by the s151 officer and the current budget includes plans to increase the general fund reserves to an appropriate level by the end of 2023/24. Again, it is important that this is achieved.

Programme governance has been set up around delivery of the savings and the culture of whole organisation accountability should be extended through team and individual performance management arrangements to review and monitor delivery of those savings. The introduction of an organisational performance management system is positive, and progressing the system to link performance with financial information will provide clarity on the relationship between resource consumption and delivery of the council's objectives.

For the present and importantly for the future, there now appears to be a far clearer shared understanding of the challenging financial position across the political and managerial leadership. An away day earlier this year attended by cabinet members and the senior leadership team was used to develop a strategy to focus on priorities for resources and savings in line with the corporate plan. It will be important as the year progresses that members are sighted on progress with savings, borrowing and risk management updates with regular reporting to appropriate council bodies. Continued focus on a culture of openness and accountability will be critical to maintaining momentum and corporate ownership of savings delivery.

CBC carries out discretionary services to a high standard, for example the parks and gardens are maintained to a Green Flag standard. Whilst some councillors and stakeholders associate Cheltenham with those high levels of service, the council may need to take difficult decisions in the future to protect financial sustainability and maintain acceptable levels of statutory service provision.

Risk management is currently reported to leadership team on a monthly basis, and Cabinet twice a year, and will now be reported to Audit, Compliance and Governance Committee on a quarterly basis. This increased reporting will support transparency



and wider corporate knowledge and understanding of current risk appetite and capacity for the council as currently there is an inconsistent approach to the management of risk. Whilst risk is embedded at a senior management level, the performance management system being implemented will include reporting on risks and risk assessment training to help wider understanding of risk management. One area where there is strong risk management is the Golden Valley Development which has its own risk register considered on a monthly basis by the programme board. The learning from the Golden Valley Development project, supported by the performance management system, will improve the organisations approach to risk management.

CBC has an ambitious capital programme which may require significant borrowing into the medium term. Whilst members and officers have a high degree of confidence around the council's current borrowing and consequent exposure to risk, it will be important to keep this under review and ensure robust and transparent management of projects. The peer team heard an example of a project where the project management had not been robust. Lessons have been learned and the more stringent project management principles applied to the Golden Valley development will now be replicated across other significant projects which are undertaken.

More use of the internal audit partnership during the planning phase of projects would strengthen the council's risk management arrangements. Internal auditors are keen to advise in this way rather than solely being involved in 'lessons learned' afterwards.

External audit of the council's accounts for 2021/22 has not yet been completed owing to capacity issues with external audit, a situation widely reported across the sector. One of the areas for consideration will be the council's treatment of Minimum Revenue Provision and how the council has structured its borrowing. The peer team heard that this issue is close to resolution and the council appears to have a set of arrangements in place for managing its borrowing. The peer team will be checking on the progress of this as well as other key financial drivers and pressures, such as the achievement of savings required for 2023/24 when it returns for the progress review in 6-12 months' time.

#### **4.5 Capacity for improvement**

CBC has an impressive officer leadership team; this was reported to the peer team by members and external stakeholders alike. The council works with a number of delivery organisations and those arrangements will be kept under review to ensure they continue to best fit the council's strategy for the future. In developing a Place shaping vision, the council could consider opportunities for partnership working to build capacity as partners are keen that the council is fully resourced to deliver the ambitious corporate plan.

An example is the delivery of the key priority 'increasing the number of affordable homes through our £180m housing investment plan'. The council already has a shared resource with Cheltenham Borough Homes with a shared communications team. To support delivery of the key priority the peer team recommend that the council builds on the success of this arrangement and looks to extend the potential for greater partnership working with IT systems, shared offices, communities' resource and housing delivery.

The council undertook Phase 1 of an organisational review during 2022. Decisions taken as part of that have provided increased capacity such as the in house finance team and the appointment of a shared monitoring officer. Increased resourcing dedicated to climate emergency links the outcomes of the review to the council priorities.

Phase 2 of the organisational review is ongoing and includes bringing the HR team in house. As the council progresses with Phase 2, it may be helpful to be mindful of team dynamics as well as the skills and capabilities that the council want to recruit. Any senior departure creates opportunities for new structures and the council will be alert to this.

#### **4.6 The council's approach to building sustainable communities**

CBC asked the peer team to provide a view and some recommendations for improvement on the council's approach to building sustainable communities and ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity.

A strategy and metrics for delivering and measuring social value will assist the council with understanding impacts. There are a number of resources available as referenced above to assist the council in developing a social value strategy.

It is important that early community engagement around economic development activity explores the outputs that would benefit the residents and is continued throughout the project as it evolves. Consultation with a purpose and proactive listening to residents, followed up with regular updates on project delivery actions would ensure wider understanding of the councils' achievements and benefit realisation.

The peer team heard from community stakeholders and partners that the benefits of the Golden Valley Development are not widely understood. The skills agenda is clearly critical to meeting the objectives of the Golden Valley Development. It is not clear where this important strategic discussion is taking place. CBC should identify how it can productively contribute to a skills plan for the county.

## 5. Next steps

It is recognised that senior political and managerial leadership will want to consider, discuss and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a six-month check-in session, which provides space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

In the meantime, Paul Clarke, Principal Adviser for the South West, is the main contact between your authority and the Local Government Association. Paul is available to discuss any further support the council requires.

[paul.clarke@local.gov.uk](mailto:paul.clarke@local.gov.uk).

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## Appendix 3: Action Plan

Peer Challenge Recommendation	Action	Update & progress to date
<p><b>1. Golden Valley Development</b></p> <p>The Golden Valley Development project is well managed in terms of finance and risk. Now is the time to be engaging with communities, businesses and residents to look at how the council can create and measure social value; it is important that the council thinks strategically about what it wants to achieve, for example, a skills plan and a brighter future plan for the county to provide a pipeline to meet workforce requirements and ensure unique opportunities are not missed.</p>	<ul style="list-style-type: none"> <li>○ Appointment of Community Engagement, Stakeholder/Public Affairs role to provide additional capacity to deliver improved and enhanced engagement.</li> <li>○ Allocation of a graduate trainee to focus on social value as part of their placement.</li> <li>○ Detailed stakeholder mapping exercise to be completed.</li> <li>○ Creation of community/academic/business engagement action plans for GV work strands.</li> <li>○ Work with and engage with GCC on future workforce requirements and encourage greater partnership working on skills.</li> <li>○ Work with HBD and other ecosystem partners on GV occupier strategy including the development of an offer on skills.</li> </ul>	<ul style="list-style-type: none"> <li>○ Job description written for community engagement post in September 2023.</li> <li>○ Graduate trainee started their placement in the Communities team in October 2023.</li> <li>○ LG Challenge participants will be working with the GV team to further develop their recommendations on community engagement and skills. The expected start date of the LG Challenge participants is November 2023.</li> </ul>
<p><b>2. Achieving savings</b></p> <p>Ensure there is the discipline to achieve savings targets included in the 2023/24 revenue budget. Achieving savings is an organisation wide responsibility, build accountability into management of teams and individuals through the appraisal process.</p>	<ul style="list-style-type: none"> <li>○ Create a savings delivery programme following proactive engagement with Cabinet to identify efficiencies.</li> <li>○ Service managers to be engaged on achieving their saving targets.</li> <li>○ Work in partnership with CBH to identify shared areas of efficiencies across General Fund and HRA as part of the Cabinet decision to wind up CBH and bring housing under the control of CBC.</li> </ul>	<ul style="list-style-type: none"> <li>○ Savings programme established with savings identified in October 2023.</li> <li>○ Service managers have completed individual plans on how savings will be made. This was completed in July - October 2023.</li> <li>○ Cabinet Report developed, presented and agreed in October 2023 on the future of housing services with an estimated £2m savings target identified across general fund and HRA.</li> </ul>
<p><b>3. Net Zero 2030</b></p> <p>Refine the pathway to Net Zero 2030 in order to include clear performance measurements and</p>	<ul style="list-style-type: none"> <li>○ Appoint and commission interim support to drive and review the pathway to net zero.</li> <li>○ Agree clear performance measurements.</li> </ul>	<ul style="list-style-type: none"> <li>○ Interim Climate Change adviser appointed to review and refine the pathway to Net Zero and consider performance measures to track</li> </ul>

<p>milestones to demonstrate that the council is on track for delivery.</p>	<ul style="list-style-type: none"> <li>○ Agree reporting timescales.</li> </ul>	<p>progress. Climate change adviser began working with CBC in October 2023 following a competitive appointment process.</p>
<p><b>4. Cheltenham Borough Homes</b> Look for further opportunities for alignment with Cheltenham Borough Homes to support delivery of corporate priorities.</p>	<ul style="list-style-type: none"> <li>○ Develop a Cabinet report on the future of housing services recommending to wind up CBH and bring back housing functions under the control of the Council.</li> <li>○ Appointment of Project Manager to form transition plan.</li> <li>○ Development of tenant consultation and engagement plan.</li> <li>○ Business transition plan to be developed to ensure phased approach.</li> </ul>	<ul style="list-style-type: none"> <li>○ As stated above, Cabinet Report on the future of housing services presented and agreed in October 2023.</li> </ul>
<p><b>5. Undertake purposeful communications</b> Think carefully about communications and consultations. Consult with a purpose – there has been good consultation around the Golden Valley vision but there is a wider place shaping responsibility. Raise the council’s profile and get people engaged and interested – create advocates for the Place.</p>	<ul style="list-style-type: none"> <li>○ Review existing communications approaches with a view to raising the Council’s profile further and to improve engagement.</li> <li>○ Appoint a community engagement and stakeholder manager to the GV team to enhance the capacity the team has to promote the activities of the council and to encourage and create more advocates for the place.</li> </ul>	<ul style="list-style-type: none"> <li>○ As stated above, a job description was written for a community engagement post in September 2023.</li> </ul>
<p><b>6. Rationalise partnerships to work at a strategic level.</b> Consider rationalising the council’s partnerships and meetings and creating a stakeholder framework. The council already works well at a project level, work at a strategic level to deliver Place leadership.</p>	<ul style="list-style-type: none"> <li>○ Undertake a review of existing community and partnership meetings in Cheltenham and work with Councils and partners to undertake a review of County-wide partnership meetings.</li> <li>○ Review specific governance and forums relating to the place and develop proposals for updated governance that is effective in</li> </ul>	<ul style="list-style-type: none"> <li>○ Review of community and partnership meetings both in CBC and across Gloucestershire councils in progress, with review recommendations expected in Spring 2024.</li> </ul>

	supporting CBC, along with its partners, to improve how we shape and deliver place leadership.	
<p><b>7. Member Induction</b> Improve Member Induction to support Members in understanding their roles and responsibilities and look to refresh Scrutiny training to give Members confidence to add value and constructive challenge.</p>	<ul style="list-style-type: none"> <li>○ Complete existing Member Induction review and implement. This review includes a refresh and review of existing training available to elected members.</li> </ul>	<ul style="list-style-type: none"> <li>○ Review of induction programme in progress and updated Member Induction will be in place ready for council elections scheduled in May 2024.</li> </ul>
<p><b>8. Embed CBC culture</b> Work to embed the culture of the organisation more widely so that all staff benefit.</p>	<ul style="list-style-type: none"> <li>○ Ensure values are embedded into all aspects of organisation including recruitment/policies/procedures.</li> <li>○ Ensure leadership team work together to demonstrate behaviours that engender the right culture.</li> </ul>	
<p><b>9. Develop Staff Induction and Appraisals</b> Once the HR team is in place, develop processes for staff induction and appraisals that will include targets that link back from the council priorities, enabling staff to have a sense of accountability and responsibility. Alongside these processes, develop internal communications to be more effective, for example by providing regular updates to staff on the progress of projects and key priorities.</p>	<ul style="list-style-type: none"> <li>○ Bring HR team in house.</li> <li>○ Develop staff induction.</li> <li>○ Update and refresh staff appraisal process.</li> <li>○ Ensure appraisals incorporate corporate management responsibilities e.g. budget management.</li> <li>○ Improve internal communications and review use of intranet and current comms technology.</li> </ul>	<ul style="list-style-type: none"> <li>○ New HR team appointed and in place in September 2023.</li> <li>○ HR successfully transferred from Publica to CBC by September 2023.</li> <li>○ New staff appraisal approach partially designed based on staff feedback, to be tested to get user experience feedback. Testing and co-creation expected to be finished in the early part of 2024 with roll out thereafter.</li> </ul>
<p><b>10. Equality, Diversity &amp; Inclusion</b> The council should take the opportunity once the HR team is in place to co-produce an Equalities,</p>	<ul style="list-style-type: none"> <li>○ Undertake best practice review.</li> <li>○ Draft EDI strategy and ensure that CBC colleagues are involved in the creation of the</li> </ul>	<ul style="list-style-type: none"> <li>○ Initial EDI draft policy completed in October 2023.</li> </ul>

<p>Diversity and Inclusion strategy and policy. The inclusive culture that the council is already developing provides a productive environment for this work to be successful.</p>	<p>strategy and that a shared commitment to strategy is embedded in the organisation, translating the strategy into tangible action.</p> <ul style="list-style-type: none"> <li>○ Update EDI policy.</li> <li>○ Establish an employee EDI group.</li> <li>○ Design and update further employee EDI training &amp; development plans.</li> </ul>	<ul style="list-style-type: none"> <li>○ New HR team appointed and in place in September 2023.</li> <li>○ HR successfully transferred from Publica to CBC by September 2023.</li> </ul>
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## **Cheltenham Borough Council**

### **Cabinet**

**7 November 2023**

## **Council Tax, Housing Benefit and Council Tax Support**

### **Penalty and Prosecution Policy**

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**Accountable member:**

Cabinet Member Finance and Assets, Councillor Peter Jeffries

**Accountable officer:**

Paul Jones, Executive Director Finance, Assets and Regeneration

**Ward(s) affected:**

All indirectly

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**Key Decision:** No

**Executive summary:**

To present Cabinet with an updated Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy for approval.

The Policy has been reviewed to ensure the content reflects current legislation and the Council's Policies and Procedures. The Policy will replace the existing Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.

**Recommendations: That Cabinet:**

- 1. adopts the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.**

2. **delegates to the Executive Director Finance, Assets and Regeneration to approve future minor amendments to the Policy in consultation with the Head of Revenues and Benefits and the Head of Service Counter Fraud and Enforcement Unit.**
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## 1. Implications

### 1.1. Financial, Property and Asset implications

The Policy provides Officers with a framework that can be followed when dealing with matters arising from cases of fraud and error. This allows for financial penalties to be charged however, the intention of the Policy is not primarily for revenue raising purposes but to ensure the proper use and protection of public funds.

**Signed off by:** Gemma Bell, Director of Finance and Assets (Deputy S151 Officer), [Gemma.Bell@cheltenham.gov.uk](mailto:Gemma.Bell@cheltenham.gov.uk)

### 1.2. Legal implications

In general terms, the existence and application of an effective fraud risk management regime assists the Council in effective financial governance which is less susceptible to legal challenge.

The legislation utilised by the Counter Fraud and Enforcement Unit and other service areas within the Council is identified within the Policy and the Council must comply with all legislative requirements.

**Signed off by:** One Legal, [legalservices@onelegal.org](mailto:legalservices@onelegal.org)

### 1.3. Environmental and climate change implications

Not applicable.

### 1.4. Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

### 1.5. Equality, Diversity and Inclusion Implications

The CFEU seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

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## **2. Background**

- 2.1. The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy. It is recommended good practice that the Policy is updated and reviewed at least every few years in line with any legislative changes.
- 2.2. In administering its responsibilities the Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or a Councillor.

## **3. Reasons for recommendations**

- 3.1. The Policy, attached at Appendix ii, has been updated in accordance with the review period. Review frequency is as required by legislative changes or every three years. This has been delayed due to events over the last three years.
- 3.2. The Policy and fines set out therein are legislative and have not been altered since the Policy was originally drafted several years ago.
- 3.3. The Council's existing Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy was developed to reflect (i) latest legislation and (ii) the changes following the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.
- 3.4. The Council Tax Support Scheme was introduced in 2013 and replaced Council Tax Benefit. The scheme is locally agreed with some set parameters and the responsibility to enforce any fraud or abuse of the scheme rests with the Council.
- 3.5. The Council has a responsibility to ensure that Council Tax is billed correctly and that there is no abuse of exemptions and discounts. The Policy seeks to set out the action that the Council may take in relation to fraud and misinformation in relation to this.
- 3.6. It should be noted that legislation outlines that to incur a Civil Penalty for a Housing Benefit overpayment, the value of the overpayment needs to exceed £250 however, the Policy details that for decisions across the Counter Fraud and Enforcement Unit Partnership, this figure will be £500. When setting this figure, consideration was given to current cost of living pressures and the vulnerabilities of the demographic this particular Policy impacts.
- 3.7. The Policy has been reviewed and drafted for the participants within the Counter Fraud and Enforcement Unit Partnership and will provide consistency to the application of penalties and legal action across Gloucestershire and West Oxfordshire.
- 3.8. Cabinet last considered the Policy in November 2017.

- 3.9. The changes are minor, to reflect changes to departmental names within the Councils and duties and responsibilities within the Department for Work and Pensions. Amendments also ensure continuity across the Counter Fraud and Enforcement Partnership as the Counter Fraud and Enforcement Unit is charged with investigation in this area for six Councils.
- 3.10. As part of the consultation process, the Policy has been reviewed by the Head of Revenues and Benefits, the Deputy Revenues and Benefits Manager and One Legal. The Audit, Compliance and Governance Committee considered and endorsed the Policy in September 2023.
- 3.11. Awareness will be raised with all staff following the approval of the Policy.

#### **4. Alternative options considered**

- 4.1. None.

#### **5. Consultation and feedback**

- 5.1. Any Policies drafted or revised by the Counter Fraud and Enforcement Unit have been reviewed by One Legal and have been issued to the relevant Senior Officers, Governance Group and Executive Leadership Team for comment.

#### **6. Key risks**

- 6.1. The Council is required to proactively tackle fraudulent activity in relation to the abuse of public funds.
- 6.2. Failure to undertake such activity would accordingly not be compliant and expose the authority to greater risk of fraud and/or corruption. If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

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#### **Report author:**

Emma Cathcart, Head of Service Counter Fraud and Enforcement Unit,  
[Emma.Cathcart@cotswold.gov.uk](mailto:Emma.Cathcart@cotswold.gov.uk)

#### **Appendices:**

- i. Risk Assessment
- ii. Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

#### **Background information:**

N/A.

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	The authority suffers material loss and reputational damage due to fraud	Executive Director Finance, Assets & Regeneration	3	3	9	Reduce	Maintain a Counter Fraud Team to reduce the likelihood of the risk materialising and also to help recover losses, thus reducing the impact.	Head of Service, Counter Fraud and Enforcement Unit	Ongoing
2	Without dedicated specialist staff in place, the Council may be unable to take effective and efficient measures to counter fraud, potentially resulting in authority suffering material losses due to fraud and error	Executive Director Finance, Assets & Regeneration	3	4	12	Reduce	Retain a specialist Counter Fraud Team to tackle the misuse of public funds on behalf of the Council.	Head of Service, Counter Fraud and Enforcement Unit	Ongoing

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<b>Version Control:</b>	
<b>Document Name:</b>	Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy
<b>Version:</b>	2.0
<b>Responsible Officer:</b>	Emma Cathcart, Head of Service, Counter Fraud and Enforcement Unit
<b>Approved by:</b>	Cabinet / Executive / Strategy & Resources Committee
<b>Next Review Date</b>	July 2026
<b>Retention Period:</b>	N/A

### Revision History

Revision date	Version	Description
July 2023	2	Overall review and update. Adapted to ensure the same Policy applies to all partner Councils

### Consultees

Internal	External
Service Area Lead Officer – Revenues and Benefits	
One Legal / Legal Services	
Audit Committee / Audit and Governance Committee / Audit, Compliance and Governance Committee	

### Distribution

Name	
Revenues and Benefits Enforcement Staff	

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## 1. INTRODUCTION

- 1.1. The Council is committed to the detection of fraud and has a responsibility to ensure that Housing Benefit and Council Tax Support are paid correctly. Council Tax Support is also referred to as the Council Tax Reduction Scheme or Local Council Tax Support Scheme. For the purpose of this Policy, it is referred to as Council Tax Support only. Council Tax Support replaced Council Tax Benefit from 1 April 2013.
- 1.2. The Council is also charged with ensuring that Council Tax is billed correctly and that discounts and exemptions are not claimed incorrectly.
- 1.3. This Policy sets out the Council's approach to prosecution and other sanctions in cases of fraud or misinformation in respect of Council Tax Support, Council Tax and Housing Benefit.
- 1.4. It has been revised in the light of the transfer of Housing Benefit fraud investigation to the Department of Work and Pensions (DWP) in 2015.
- 1.5. This Policy does not include specific reference to National Non-Domestic Rates (NNDR) although the Local Authority has the power to obtain particulars of persons interested in land as set out under Section 16 of the Local Government Act 1976. Pursuant to Section 16(2), if a person fails to comply with such requests, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level five on the standard scale.

## 2. BACKGROUND

- 2.1 This Policy is governed by legislation and DWP guidance including The Local Government Act 1972, The Local Government Finance Act 1992, Welfare Reform Act 2012, Police and Criminal Evidence Act 1984, Social Security Administration Act 1992 and The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.
- 2.2 This Policy has been agreed by the Council and will be reviewed as required in response to changes in legislation or government guidance.

## 3. PURPOSE

- 3.1 The purpose of the Penalty and Prosecution Policy is to set out the action which the Council may take in cases of fraud or misinformation in relation to;
  - a) Claims, or attempted claims, for Housing Benefit.
  - b) Claims, or attempted claims, for Council Tax Support.
  - c) Council Tax Discounts and Exemptions.
- 3.2 The Policy provides guidelines that will be followed where applicable and clarifies which areas are the responsibilities of the Council and those, which are the responsibility of the DWP.

## 4. AREAS OF RESPONSIBILITY

- 4.1 Responsibility for investigation and the application of sanctions lies as follows:

4.2 Housing Benefit (and Council Tax Benefit for offences relating to the period prior to April 2013) where there is evidence of fraud:

- a) Investigation is the responsibility of the DWP's Operational Excellence Directorate and cases will be referred to the DWP in accordance with DWP guidance accordingly.
- b) Cautions no longer apply to these cases.
- c) The Council has retained the delegated power to offer an Administrative Penalty following a recommendation from the DWP.
- d) Prosecution of cases is the responsibility of the DWP.

4.3 Housing Benefit where there is no evidence of fraud:

- a) The Council will make enquiries in respect of cases of misinformation or error made by the customer where the overpayment is incurred wholly after 1 October 2012 and the value of any overpayment exceeds £500.
- b) A civil penalty of £50 may be applied by the Council in line with regulations.

4.4 Council Tax Support:

- a) The Council has retained the responsibility to investigate and sanction allegations of fraud and abuse in relation to Council Tax Support claims.
- b) A Caution, Penalty or Prosecution may be considered where there is evidence of fraud.
- c) A civil penalty of £70 may be applied where there is no evidence of fraud.
- d) An Authorised Officer within the Council has the power to obtain information as set out under Regulations 4 and 5 of The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013. Pursuant to Regulation 6, if a person refuses or neglects to produce any documentation when required to do so, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.  
Where a person is convicted of an offence and the refusal or failure continues after conviction, the person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

4.5 Council Tax:

- a) The Council has responsibility for investigating incorrectly claimed Council Tax exemptions and discounts.
- b) A civil penalty of £70 and an additional civil penalty of £280 may be applied where appropriate – see Table of Civil Penalties on page 7.

## 5. GENERAL PRINCIPLES

5.1 In deciding what action to take, designated Officers within the Council will consider the following:

- Each case will be considered on its own merits;
- There must be sufficient, reliable evidence to justify the action taken;
- The action taken must be in the public interest;
- Any mitigating circumstances;
- The decision to prosecute an individual is a serious step and has implications for all involved. Decisions to prosecute should always be fair, proportionate, consistent and equitable;
- In exceptional circumstances, an alternative to prosecution (Caution or Penalty) may be considered without regard to the amount of the overpayment.

## 6. SANCTIONS AVAILABLE FOR OFFENCES RELATING TO COUNCIL TAX SUPPORT

6.1 The three sanctions available where a criminal investigation has been undertaken are a Caution, a Penalty or Prosecution.

6.2 In cases of error or misinformation, a Civil Penalty may be applied.

### 6.3 LOCAL AUTHORITY CAUTION

6.4 A Caution is an oral warning given in certain, less serious circumstances as an alternative to prosecution to a person who has committed an offence. It is intended to be a meaningful penalty and deterrent where other actions are not appropriate. The Caution may be a verbal warning but both parties sign the Caution Certificate and a record is kept by the Council.

6.5 If a person declines the offer of a Caution the case will be recommended for prosecution.

6.6 A Caution will usually be considered where the amount of the recoverable Council Tax Support is of a low value where the evidence indicates that:

- a) It was a first offence, or
- b) There was no planning involved, or
- c) There was no other person involved in the fraud, and
- d) The person's circumstances and demeanour towards the offence indicates that a Caution would be the most appropriate action and
- e) The person has admitted the offence in an Interview under Caution.

6.7 In these circumstances, the Council will issue an official Local Authority Caution and require full repayment of the recoverable Council Tax Support.

6.8 A Caution is not applicable where the offence is an attempt and there is therefore no financial loss to the Council or gain to an individual.

### 6.9 PENALTY

6.10 A Penalty is a financial penalty offered as an alternative to prosecution, usually in circumstances not deemed serious enough to warrant prosecution.

6.11 If a person refuses a Penalty, the case will be recommended for prosecution.

6.12 A Penalty will be considered where the evidence indicates that:

- a) It was a first offence, or
- b) The person failed to attend an interview under caution, or
- c) The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; and
- d) There was no planning involved, or
- e) The person has not admitted the offence at an Interview under Caution, and
- f) There was no other person involved, and
- g) The person's circumstances and demeanour towards the offence indicates that a Penalty would be the most appropriate action.

- 6.13 In such circumstances, the Council will make an offer of a Penalty in addition to requiring full repayment of the recoverable Council Tax Support.
- 6.14 The penalty will be a minimum of £100, or 50% of the recoverable amount of Council Tax Support up to a maximum of £1,000.
- 6.15 **PROSECUTION**
- 6.16 Prosecution proceedings will usually be instigated only after the evidential and public interest tests as detailed in the Code for Crown Prosecutors are satisfied, and in line with the Council's own Corporate Enforcement Policy. Prosecution will be considered where:
- a) It was not a first offence, or
  - b) The fraud has been deliberate and calculated, or
  - c) The fraud had continued over a long period; or
  - d) The value of the overpayment or financial gain is significant; or
  - e) The person has failed to attend an interview under caution; or
  - f) There were other persons involved in the fraud and collusion has been investigated, or
  - g) The person has declined the offer of a Penalty or withdrawn agreement to pay and Penalty; or
  - h) The person has declined the offer of a Caution
- 6.17 The decision to prosecute is a serious step and has implications for all concerned. The Council will ensure that decisions to prosecute are made in a fair, proportionate, consistent and equitable-manner.
- 6.18 The Council will also consider the following:
- a) Offender's physical conditions such as illness, disability, age etc and mental capacity.
  - b) Social factors such as domestic violence, coercive control, career or employment impact, childcare etc.
  - c) Voluntary disclosure where the individual makes a full and frank admission without prompting.
  - d) Procedural difficulties, delays, failures in the investigation or administrative process.
- 6.19 **SANCTION RECOMMENDATIONS**
- 6.20 The recommendation to apply any sanction will be made in the first instance by the Counter Fraud and Enforcement Unit (CFEU) Investigating Officer, after consultation with an appropriate CFEU Senior Officer, to the appropriate Revenues and Benefits Department for approval.
- 6.21 Recommendations for criminal sanctions will be referred to the appropriate Legal Department.
- 6.22 An appropriate CFEU Senior Officer will administer Cautions and Criminal Penalties on behalf of the Revenues or Benefits Department.
- 6.23 **CIVIL PENALTIES**
- 6.24 A civil penalty is a financial penalty that that can be imposed where a person has negligently supplied incorrect information or failed to supply information that affects;

- a) The amount of Housing Benefit or Council Tax Support they have been paid or would have been paid or,
- b) The amount of Council Tax they have been billed or would have been billed.

**6.25 CIVIL PENALTIES APPEAL PROCESS**

- 6.26 If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit, they can write to the Council’s Revenues and Benefits Department within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The customer will need to state and provide evidence, where appropriate, why they feel the decision is wrong. An appropriate Senior Officer within the Revenues and Benefits Department will carry out the reconsideration. The outcome of the reconsideration is final and there is no further appeal process.
- 6.27 If a customer is not satisfied with the decision to impose a civil penalty in relation to Council Tax Support, they can write to the Council’s Revenues and Benefits Department within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. An appropriate Senior Officer within the Revenues and Benefits Department will carry out the reconsideration. If the appeal is not successful, the customer may appeal to the Valuation Tribunal. In both instances, the customer will need to state and provide evidence, where appropriate, why they feel the decision is wrong.
- 6.28 If a customer is not satisfied with the decision to impose a civil penalty in relation to Council Tax, they can write to the Council’s Revenues and Benefits Department within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. An appropriate Senior Officer within the Revenues and Benefits Department will carry out the reconsideration. If the appeal is not successful, the customer may appeal to the Valuation Tribunal. In both instances, the customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.

<b>TABLE OF CIVIL PENALTIES</b>			
<b>Service</b>	<b>Amount of penalty</b>	<b>Criteria</b>	<b>Appeal method</b>
<b>Housing Benefit</b>	<b>£50</b>	1. Negligently or carelessly giving incorrect information, or 2. Failing to provide without reasonable excuse, information in respect of a claim or payment of benefit, or 3. Failing to notify, without reasonable excuse, a relevant change in circumstances (reasonable excuse = ill health, significant stress)	The Council
<b>Council Tax Support</b>	<b>£70</b>		The Council and then the Valuation Tribunal
<b>Council Tax</b>	<b>£70</b>	1. Failing to supply information following a request from the Council, or 2. Supplied information about a liable person that is materially inaccurate, or 3. Failing, without reasonable excuse, to notify the Council that a dwelling is no longer exempt, or	The Council and then the Valuation Tribunal

		4. Failing, without reasonable excuse, to notify the Council that a level of discount no longer applies (reasonable excuse = ill health, significant stress)	
<b>Council Tax</b>	<b>£280</b>	1. Where a penalty has been imposed and a further request to supply the same information is made again and is not properly complied with, and may do so each time it repeats the request and the person concerned does not properly comply with it. There is no limit to the number of times this penalty can be imposed.	The Council and then the Valuation Tribunal

## 7. STRATEGY AND POLICY REVIEW

- 7.1 The appropriate department will review and amend this Policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council in consultation with the S151 Officer, the Legal Department and Members.

Responsible Department: Revenues and Housing Support Services

Policy Author: Counter Fraud and Enforcement Unit

Date: July 2023

Review frequency as required by legislative changes / every three years.

## Cheltenham Borough Council

### Cabinet – 7 November 2023

## Local Council Tax Support Scheme 2024/25

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#### **Accountable member:**

Councillor Peter Jeffries, Cabinet Member Finance and Assets

#### **Accountable officer:**

Jayne Gilpin, Head of Revenues and Benefits

#### **Ward(s) affected:**

All

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**Key Decision:** Yes

#### **Executive summary:**

Each year the council is required to consider and approve its Local Council Tax Support Scheme for working age customers. Cabinet is being asked to adopt the proposed scheme and recommend that Council approves it as the Council's scheme for 2024/25.

#### **Recommendations: That Cabinet:**

- 1. notes the outcome of the consultation on the Local Council Tax Support Scheme in Appendix 3**
  - 2. approves the Local Council Tax Support Scheme for working age customers in Appendix 4 and summarised in Appendix 5 as the preferred option for 2024/25**
  - 3. recommends that Council approves the proposed Local Council Tax Support Scheme for working age customers for 2024/25**
  - 4. recommends that Council gives authority to the Executive Director for Finance Assets and Regeneration in consultation with the Cabinet Member Finance and Assets to uprate any premiums, allowances and determine the income levels in line with any increase in Welfare Benefits by 23 February 2024**
-

## 1. Implications

### 1.1 Financial, Property and Asset implications

Since 2013/14 the Local Council Tax Support (LCTS) scheme operates in a similar way to other council tax 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 parish councils. Any Government funding towards the scheme was rolled in to revenue support grant, which ceased for this council in 2018/19. We must therefore must fund our share of the cost of the scheme.

The proposal to continue with the scheme in 2024/24 and confirm the income levels once the increase in welfare benefits is known will ensure that the same level of support is provided to our most vulnerable residents

**Signed off by:** Gemma Bell, Director of Finance and Assets [gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk)

### 1.2 Legal implications

The Local Council Tax Support Scheme "LCTS" is required under section 13A of the Local Government Finance Act 1992 ("the Act"). The Act states that for each financial year, billing authorities 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, the local authority must, in the following order:-

1. consult with any major precepting authorities
2. publish the draft scheme
3. consult other parties likely to have an interest in the scheme

The prescribed regulations also set out the matters that must be included in such a scheme. The authority is required to publish the scheme in such manner as they think fit

**Signed off by:** Vikki Fennell, Senior Lawyer, [Vikki.fennell@onelegal.org.uk](mailto:Vikki.fennell@onelegal.org.uk)

### 1.3 Environmental and climate change implications

There are no environmental and climate change implicates arising from the content of the report or recommendations.

### 1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

### 1.5 Equality, Diversity and Inclusion Implications



The Local Council Tax Support Scheme continues to provide 100% support to low income households and no changes to the scheme conditions are being proposed. We monitor whether any groups are adversely affected by the scheme part of the annual review and aim to mitigate them. An equality impact assessment in in Appendix 2.

### **Performance management – monitoring and review**

The proposed scheme if approved will be monitored closely by officers throughout the year and will be reviewed before developing the scheme for 2025/26

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## **2 Background**

- 2.1 Prior to each financial year the Council is required to determine a Local Council Tax Support Scheme to help working age people on low incomes pay their council tax.
- 2.2 The Council is also required to administer, but cannot alter, the national council tax support scheme for pension age customers.
- 2.3 The local council tax support scheme works in a similar way to other council tax discounts. The tax base is reduced due to the amount awarded and therefore the income from council tax is reduced. The full 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.
- 2.4 The local council tax support scheme for working age people from 2013/14 to 2018/19 in Cheltenham continued to mirror the previous council tax benefit scheme whilst the majority of Councils reduced support and no longer offer 100% reduction.
- 2.5 In 2019/20 a council tax support scheme based on five income bands was introduced in with the highest band providing support at 100% of the council tax liability. Support then reduces to 80%, 60%, 40% and 20% as household income increases.
- 2.6 The scheme ensures that 100% support continues to be available for the most vulnerable residents.

## **3 Local Council Tax Support Scheme Caseload**

- 3.1 As at October 2023 just under £4.3 million was being awarded to 4,483 working age recipients. 2,700 of these recipients, which is 60%, are receiving the maximum 100% support due to being on the lowest incomes.
- 3.2 The caseload did rise by more than 25% during the coronavirus pandemic and although it has reduced significantly, it remains above pre-pandemic levels.
- 3.3 The number has so far remained stable during 2023/24 and is not expected to change significantly during 2024/25.

## **4 Reasons for Recommendation**

- 4.1 The proposed scheme for 2024/25, as summarised in appendix 5, continues to be based on five income bands with the highest band providing support at 100% of the council tax liability, reducing to 20% as household income increases.

- 4.2 The income levels for each band are increased each year to keep in line with increases in welfare benefits. This ensures that we continue to provide the same level of support to low income households.
- 4.3 At this stage it is uncertain by how much welfare benefits will increase next year. The Government usually announces the increase in late December/early January each year. Authority will be sought from Council for the Executive Director for Finance, Assets and Regeneration in consultation with the Cabinet Member Finance and Assets, to apply the appropriate increase to the income bands once the rise in welfare benefits has been confirmed.
- 4.4 This will ensure that the most vulnerable individuals and families continue to receive the highest level of support.
- 4.5 No other changes are being proposed to the scheme conditions for 2024/25.
- 4.6 A discretionary hardship relief scheme is in place which can support customers with exceptional circumstances and/or financial hardship

## **5 Alternative options considered**

- 5.1 None. The Council is required to approve a Local Council Tax Support Scheme for working age people

## **6 Consultation and feedback**

- 6.1 A consultation exercise was undertaken between 22 August 2023 and 2 October 2023 seeking views on whether the Council should continue to ensure that the most vulnerable residents receive 100% support.
- 6.2 The consultation attracted 30 responses. Of the 30 respondents, 20 (67%) either agreed or strongly agreed that 100% support should continue, 4 (13%) were neutral and 6 (20%) either disagreed or strongly disagreed to continue with 100% support.
- 6.3 Detail of the consultation results are in Appendix 3

## **7 Key risks**

- 7.1 The risks are in appendix 1

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### **Report author:**

Jayne Gilpin, Head of Revenues and Benefits, [jayne.gilpin@cheltenham.gov.uk](mailto:jayne.gilpin@cheltenham.gov.uk)

### **Appendices:**

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Consultation analysis and responses
- iv. Summary of draft scheme
- v. Draft scheme conditions for 2024/25

## Background information:

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](http://www.legislation.gov.uk/uksi/2017/1305/pdfs/uksi_20171305_en.pdf)

### Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the caseload increases significantly the cost to the council, in the form reduced council tax income, will increase	Jayne Gilpin	2	3	6	Accept	Monthly monitoring and an annual review of the scheme	Jayne Gilpin	Ongoing
	If the income bands are not increased in line with welfare benefits support for vulnerable households could reduce. This would cause reputational damage to the Council	Jayne Gilpin	1	1	2	Avoid	Uprate in line with increase in welfare benefits once known	23/02/2024	23/02/2024

# Community impact assessments – for services, policies and projects

**What is a community impact assessment? ..... 1**

**Background ..... 1**

**Step 1: About the service, policy or project ..... Error! Bookmark not defined.**

**Step 2: What do you already know about your existing and potential customers? ..... Error! Bookmark not defined.**

**Step 3: Assessing community impact..... Error! Bookmark not defined.**

**Step 4: What are the differences?..... Error! Bookmark not defined.**

**Step 5: Taking things forward ..... Error! Bookmark not defined.**

## 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:

1. Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
2. Identify any inequalities people may experience.
3. Think about the other ways in which we can deliver our services which will not lead to inequalities.
4. Develop better policy-making, procedures and services.

## Background

<b>Name of service / policy / project and date</b>	<b>Revenues and Benefits. Council Tax Support Policy from 1 April 2024.</b>
<b>Lead officer</b>	<b>Jayne Gilpin, Head of Revenues and Benefits</b>

Other people involved in completing this form

David Wyatt, Deputy Revenues and Benefits Manager

## Step 1 - About the service / policy / project

What is the aim of the service / policy / project and what outcomes is it contributing to

Council tax support is provided to around 6,600 households in Cheltenham at an annual cost of just under £6.8m. This includes working and pension age claimants. Approximately 68% 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.

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.

From April 2013, Councils became responsible for designing their own local council tax support (CTS) schemes for working age people only. 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. Council tax support for pensioners was not localised and continues to be provided for by a national scheme.

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.

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. From 1 April 2020, further changes were made to the scheme to provide further support to those people who receive a limited work capability payment in their Universal Credit. The Council is now in the position of considering a local council tax support scheme with effect from 1 April 2024.

This year we have consulted on a proposed scheme from 1 April 2024. The aim of the service is to retain the existing council tax support scheme from 1 April 2024 and keep the current income bands in place (subject to an annual uplift) to ensure that the most vulnerable customers still receive 100% support.

<p><b>Who are the primary customers of the service / policy / project and how do they / will they benefit</b></p>	<p>It is important to note that any proposed 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.</p> <p>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 scheme will apply without exception from 1 April 2024.</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><b>How and where is the service / policy / project implemented</b></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><b>What potential barriers might already exist to achieving these outcomes</b></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 the 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 2023.</p>

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

<p><b>What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information</b></p>	<p>Every applicant making a claim for council tax support provides the following personal information:</p> <ul style="list-style-type: none"> <li>• the date of birth, sex and nationality of each person in the household</li> <li>• the income of each person in the household, including non-dependants (for example grown up children)</li> <li>• the capital of each person in the household</li> <li>• whether any person has a disability</li> <li>• whether the person is in a same sex relationship</li> </ul> <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"> <li>• sexual orientation</li> </ul>
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	<ul style="list-style-type: none"> <li>• ethnicity and/or race</li> <li>• religion or belief</li> </ul> <p>Information may be held, subject to the customer volunteering it on the following:</p> <ul style="list-style-type: none"> <li>• pregnancy and/or maternity/paternity</li> <li>• gender reassignment</li> </ul>
<p><b>What does it tell you about who uses your service / policy and those that don't?</b></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"> <li>• the age of the customer and others in the household</li> <li>• the number of men and women claiming council tax support</li> <li>• the number of customers who have responsibility for a child or children</li> <li>• the number of people in the household</li> <li>• whether there are any disabilities</li> <li>• the household income</li> <li>• whether any capital is held</li> </ul>
<p><b>What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?</b></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><b>If not, who do you have plans to consult with about the service / policy / project?</b></p>	<p>Not applicable.</p>





### 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
<b>People from black and minority ethnic groups</b>	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
<b>People who are male or female</b>	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
<b>People who are transitioning from one gender to another</b>	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
<b>Older people / children and young people</b>	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
<b>People with disabilities and mental health challenges</b>	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. There are provisions in the scheme to ignore certain disability benefits and this will continue so that the most vulnerable of customers still receive 100% support	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 disabilities that are affected will be those who have additional income, for example, a partner with earnings	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

<b>People who have a particular religion or belief</b>	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
<b>People who are attracted to their own sex, the opposite sex or to both sexes.</b>	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
<b>People who are married or in a Civil Partnership</b>	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
<b>People who are pregnant or who are on maternity leave</b>	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
<b>Other groups or communities</b>	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><b>Are any groups affected in different ways to others as a result of the service / policy / project?</b></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. <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf</a></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"> <li>• 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;</li> <li>• 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;</li> <li>• The Housing Act 1996, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.</li> </ul>
<p><b>Does your service / policy / project either directly or indirectly discriminate?</b></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><b>If yes, what can be done to improve this?</b></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 will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax.</p>

<p><b>Are there any other ways in which the service / project can help support priority communities in Cheltenham?</b></p>	<p>Yes. The proposed draft scheme has been designed to protect where possible and provide greater financial assistance to priority communities. 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"> <li>• child benefit and maintenance payments made in respect of children are wholly disregarded</li> <li>• 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</li> <li>• an additional £100 weekly disregard will apply for each disabled child living in the household</li> <li>• an earnings disregard of £10 per week will apply to those customers who fit the qualifying conditions</li> <li>• Attendance Allowance, Personal Independence Payments, Disability Living Allowance, the Limited Work Capability element paid within Universal Credit and War Pensions will be wholly disregarded</li> <li>• customers who receive Job Seeker’s Allowance, Income Support and Employment and Support Allowance will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax</li> </ul>
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**Step 5 – taking things forward**

<p><b>What are the key actions to be carried out and how will they be resourced and monitored?</b></p>	<p>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 2023 with a recommendation that it is adopted from 1 April 2024 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 2023 seeking Council approval.</p>
<p><b>Who will play a role in the decision-making process?</b></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 Council meeting scheduled for December 2023.</p>
<p><b>What are your / the project’s learning and development needs?</b></p>	<p>Full training will be provided to Revenues and Benefits staff ahead of the annual billing exercise in March 2024 which will reinforce the scheme conditions.</p>
<p><b>How will you capture these actions in your service / project planning?</b></p>	<p>The proposed scheme to be introduced from 1 April 2024 is 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.</p>

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## Council tax support scheme consultation 2024-25

<https://haveyoursay.cheltenham.gov.uk/revenues-and-benefits/council-tax-support-scheme-consultation-2024-25>

This report was created on Tuesday 03 October 2023 at 08:27

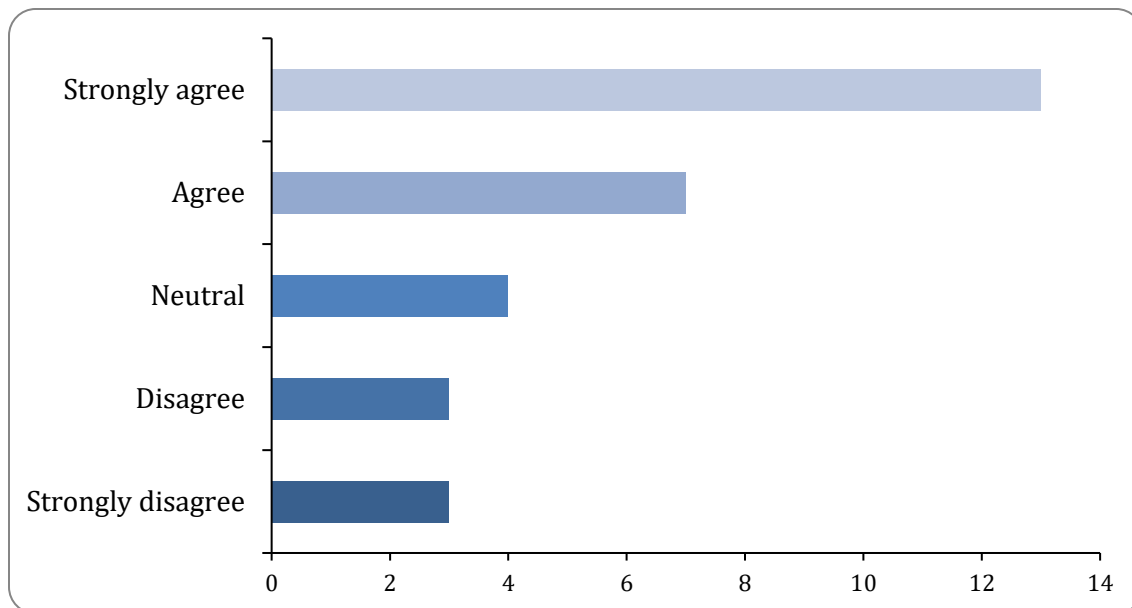
The activity ran from 22/08/2023 to 02/10/2023

Responses to this survey: **30**

**1: 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?**

### Question 1

There were 30 responses to this part of the question.



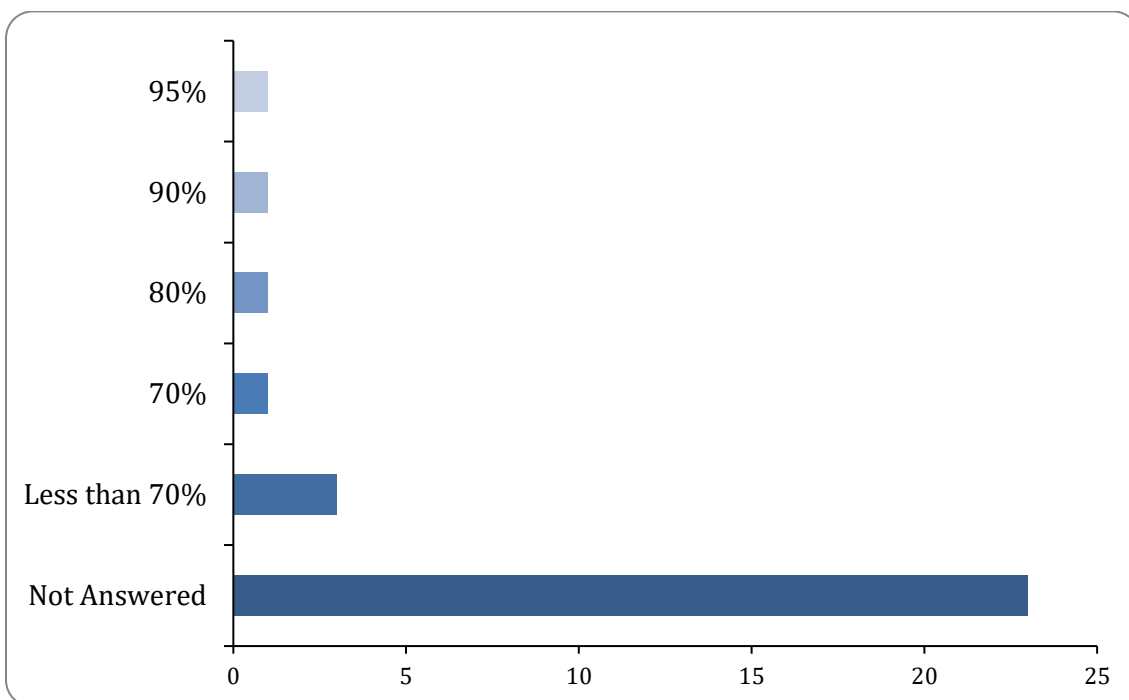
Option	Total	Percent
Strongly agree	13	43.33%
Agree	7	23.33%
Neutral	4	13.33%
Disagree	3	10.00%

<b>Strongly disagree</b>	3	10.00%
<b>Not Answered</b>	0	0.00%

**2: If you disagree or strongly disagree at question 1, what do you think the maximum amount of help should be?**

**Question 2**

There were 7 responses to this part of the question.



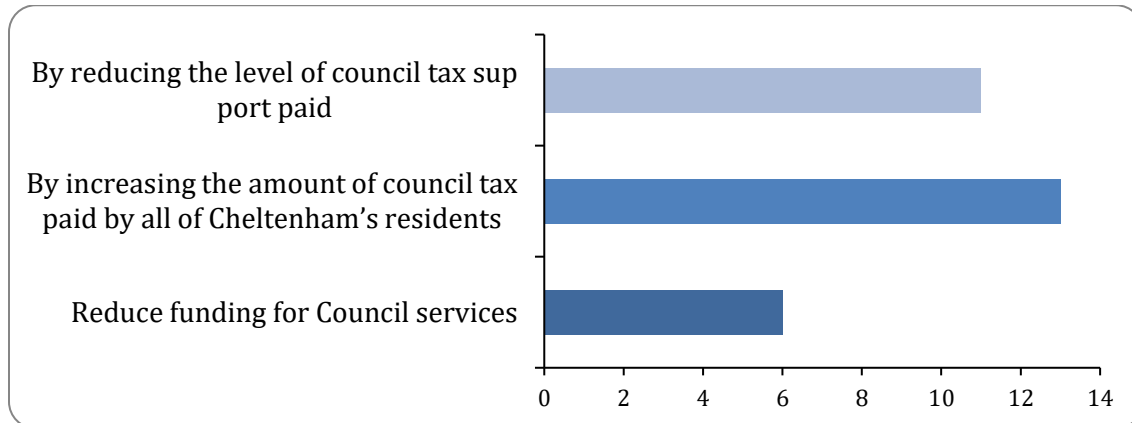
Option	Total	Percent
<b>95%</b>	1	3.33%
<b>90%</b>	1	3.33%
<b>80%</b>	1	3.33%
<b>75%</b>	0	0.00%
<b>70%</b>	1	3.33%
<b>Less than 70%</b>	3	10.00%
<b>Not Answered</b>	23	76.67%



### 3: How do you think the Council should continue to fund its council tax support scheme from April 2024?

#### Question 3

There were 30 responses to this part of the question.



Option	Total	Percent
By reducing the level of council tax support paid	11	36.67%
By increasing the amount of council tax paid by all of Cheltenham's residents	13	43.33%
Reduce funding for Council services	6	20.00%
Other - Please specify below	0	0.00%
Not Answered	0	0.00%

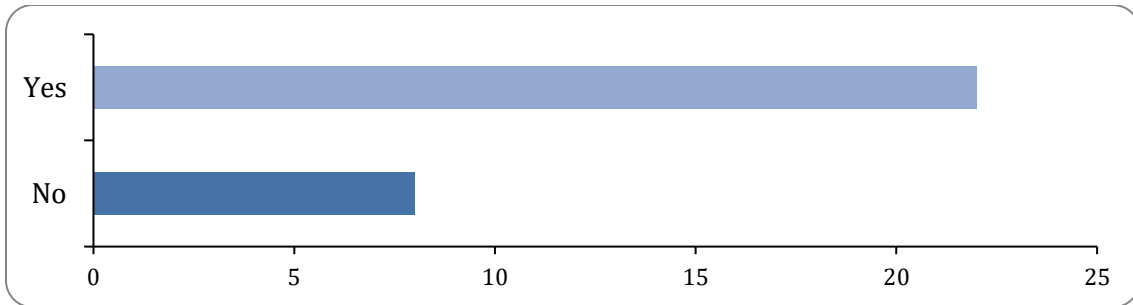
#### Other

There were 2 responses to this part of the question.

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

#### Question 4

There were 30 responses to this part of the question.

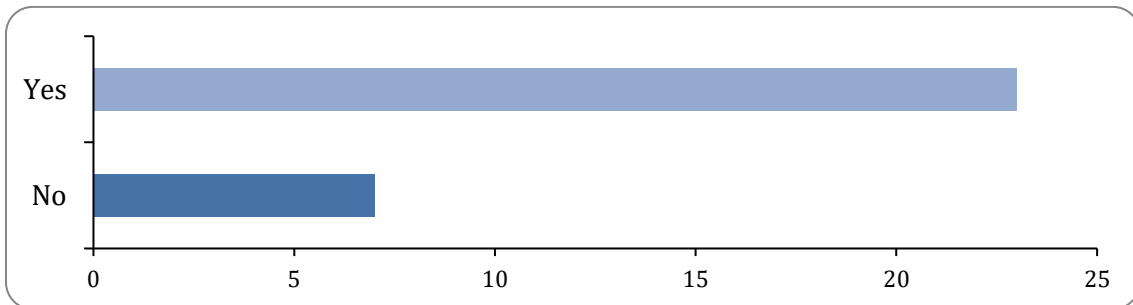


Option	Total	Percent
Yes	22	73.33%
No	8	26.67%
Not Answered	0	0.00%

### 5: Are you registered for council tax?

#### Question 5

There were 30 responses to this part of the question.

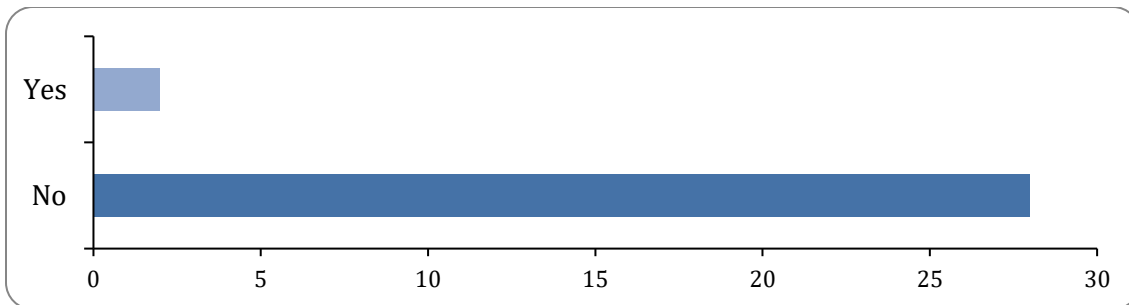


Option	Total	Percent
Yes	23	76.67%
No	7	23.33%
Not Answered	0	0.00%

### 6: Do you currently receive council tax support?

#### Question 6

There were 30 responses to this part of the question.

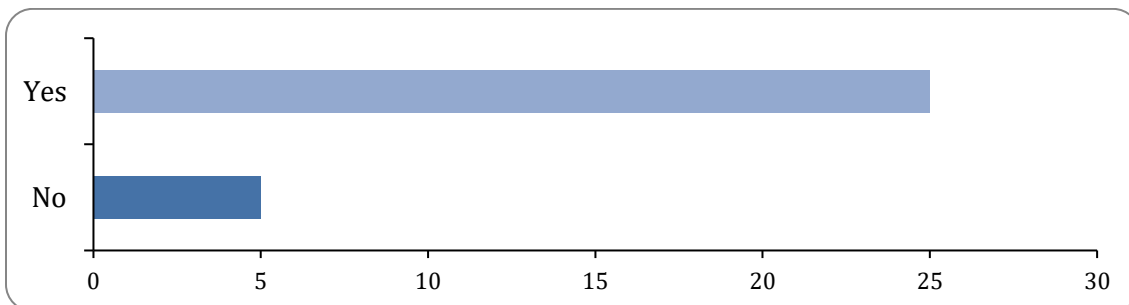


Option	Total	Percent
Yes	2	6.67%
No	28	93.33%
Not Answered	0	0.00%

## 7: Are you in employment?

### Question 7

There were 30 responses to this part of the question.

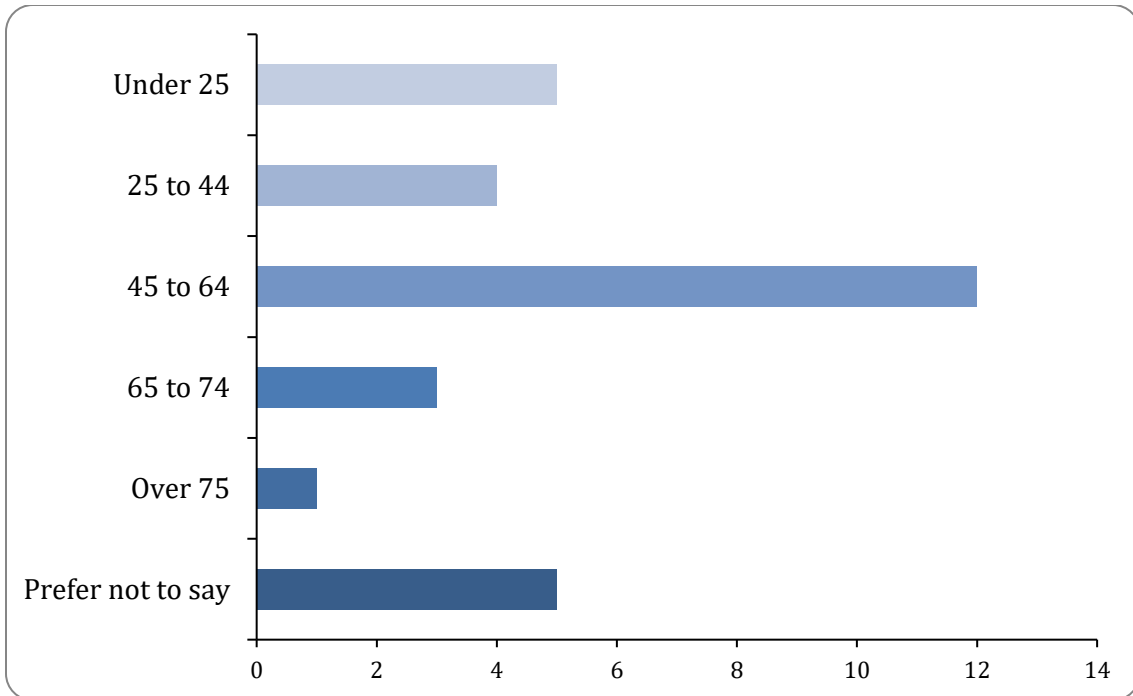


Option	Total	Percent
Yes	25	83.33%
No	5	16.67%
Not Answered	0	0.00%

## 8: What is your age group?

### Question 7

There were 30 responses to this part of the question.

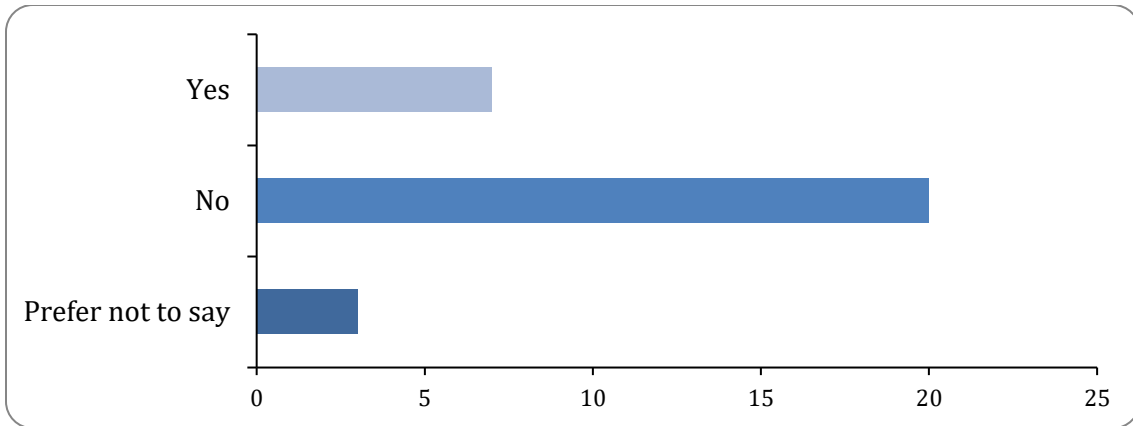


Option	Total	Percent
Under 25	5	16.67%
25 to 44	4	13.33%
45 to 64	12	40.00%
65 to 74	3	10.00%
Over 75	1	3.33%
Prefer not to say	5	16.67%
Not Answered	0	0.00%

### 9: Do you have a disability?

#### Question 10

There were 30 responses to this part of the question.



Option	Total	Percent
Yes	7	23.33%
No	20	66.67%
Prefer not to say	3	10.00%
Not Answered	0	0.00%

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**Cheltenham Borough Council**

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

**2024/25**

**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
- 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 su

**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
- 79. Persons to whom support is to be paid
- 80. Shortfall in support
- 81. Payment on the death of the person entitled
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- 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)**

**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

## Section 1

### Details of support to be given to working age customers for the financial year 2024/25

#### 1.0 Introduction to the council tax support scheme

1.1 The following scheme has been adopted by the Council on xxxxx 2023 in respect of the period 1 April 2024 – 31 March 2025.

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 100.00	000.00 to 155	000.00 to 193	000.00 to 253	100%
Band 2	100.01 to 138	155.01 to 203	193.01 to 220	253.01 to 308	80%
Band 3	138.01 to 165	203.01 to 253	220.01 to 275	308.01 to 363	60%
Band 4	165.01 to 193	253.01 to 308	275.01 to 336	363.01 to 418	40%
Band 5	193.01 to 220	308.01 to 363	336.01 to 392	418.01 to 480	20%

1.10 These income bands will apply unless the Government makes fundamental changes to welfare benefits, including Universal Credit, in the year 2024-25. If a high inflationary increase is applied to welfare benefits, the values above may need to be updated to ensure that those applicants who the Council aims to provide 100% support to, still receive this full support during 2024-25.

1.11 If the Government announce increases to welfare benefits in year, after the council tax support scheme has been approved, the Council reserves the right to be able to disregard these increases in income to ensure that applicants continue to receive the intended level of support.

## 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-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, Page 120 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)’** nPage 122 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 about to move, in which the applicant is or will be resident;

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**'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;

- Page 124
- b. an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a superannuation scheme 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

**'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 Page 126 (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 Page 127 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 income based 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.

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- 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<sup>©</sup> which came into effect on 1<sup>st</sup> 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.

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- (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 11<sup>th</sup> December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18<sup>th</sup> 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.

## **Sections 9 – 11**

### **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;

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- 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 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;
- 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
  - placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
  - placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to section 11.4, section 11.1 shall not apply to a child or young person who is not living with the applicant and he-
- is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
  - has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
  - has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom section 11.3a) applies as being a member of the applicant's household in any reduction week where;
- that child or young person lives with the applicant for part or all of that reduction week; and
  - the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## Sections 12 – 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:
- an applicant; and
  - 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:
- the applicant must be treated as possessing capital and income belonging to each such member; and
  - 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
- who has, or
  - 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 disregarded 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
- any sum to be disregarded under paragraphs of Schedule 1 to this scheme (sums to be disregarded in the calculation of earnings);
  - 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;
- who has, or
  - 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, contribution) some 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 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



- 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 Page 138 e 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 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 employed 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 (Page 144) (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-
- $$\frac{A-(B \times C)}{D}$$
- 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-



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A = the total amount of relevant payment 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 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 **Page 147** 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

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applicable to the assessment period, less only the personal relief to which the applicant is entitled under sections 257(1) of the Income Tax 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 for 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 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 **Page 151** 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, **Page 152**

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 a 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, Training and Employment 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

**'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;

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- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified in the '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

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- (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 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 **Page 159**, 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 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 sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
- (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
  - (ii) where the final academic year starts on 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. Page 161  
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**

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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 <sup>A</sup> 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, £12.85 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.20 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 £224.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £224.00, but less than £389.00, the deduction to be made under this section shall be £8.55
- (c) not less than £389.00, but less than £484.00, the deduction to be made under this section shall be £10.70;

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

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- (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of it 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'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 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 using the approved form or by using the on line claim form provided on the Council's website, or
  - (b) where the authority has published a telephone number for the purpose of receiving such applications, by telephone, or
  - (c) by submitting a claim for Universal Credit to the Department for Work and Pensions, the content of which and the Universal Credit award will be used to determine council tax support.
- 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 the 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 2, in 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,
 the seventeenth reduction week following the date on which the application is made, or
  - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the week immediately preceding the first reduction week of that period of entitlement reduction accordingly.

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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 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 by using the on line claim form provided on the Council's website

- (b) by telephone-
- (i) where the authority has published a 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 Page 177 pursuant to 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 **Page 181**
- (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:

- Page 183
- a. Prevent and detect fraudulent claims and actions in respect of council tax support;
  - b. Carry out investigations fairly, professionally, 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 Where the Council has evidence of fraud and/or error, it reserves the right to withhold and/or recalculate Council Tax Support, whether or not the claimant is in receipt of a benefit administered by the Department for Work and Pensions.

101.4 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 to 101.3 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 the whole of his income. Those in the work related activity group or support group will also have the whole of this income disregarded if they do not receive Universal Credit.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on income-based jobseeker's allowance, the whole of the applicant's income.
9. Where the applicant, or the person who was the partner of the applicant on 31 March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5 April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
10. Any disability living allowance or personal independence payment or AFIP
11. Any concessionary payment made to compensate for the non-payment of;
  - (a) any payment specified in paragraph 7 or 10;
  - (b) income support;
  - (c) an income-based jobseeker's allowance.
  - (d) an income-related employment and support allowance.
12. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
13. Any attendance allowance.
14. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
15. 100% of any of the following, namely
  - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
  - (h) an Armed Forces Compensation Scheme payment.
16. Any payment made to the applicant by a child or young person or a non-dependant.
17. (1) Any payment made to the applicant in respect of a person who is a member of his family-
  - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or



in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2002 (Adoption Allowance Schemes)

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- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
  - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
  - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

**18.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made

- (a) by a local authority under-
  - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
  - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
  - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

**19.** Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by-

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.

**20.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

**21.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
  - (a) was formerly in the applicant's care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.

**22.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;

- (a) on a loan which is secured on ~~the dwelling~~ which the applicant occupies as his home; or  
(b) under a regulated agreement **Page 186** 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;

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- (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 without exception.

**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.

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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.

33. If the Government announce increases to welfare benefits in year, after the council tax support scheme has been approved, the Council reserves the right to be able to disregard these increases in income to ensure that applicants continue to receive the intended level of support.

### **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 Self-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 2013;
- (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 a dwelling which 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 Page 194 than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
- 40.** (1) Any payment or repayment made-
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
  - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
  - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
- 41.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 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 **Page 196**ased 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;
- (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 sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
  - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending-
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person
      - (aa) ceases receiving full-time education; or
      - (bb) attains

whichever is the latest.

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(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 2024-25**

The council tax support scheme from 1 April 2024 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 2024.

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.

<b>Income Band</b>	<b>Single person</b>	<b>Couple</b>	<b>Lone parent with children</b>	<b>Couple with children</b>	<b>Maximum percentage entitlement</b>
Income £					
Band 1	0.00 to 100.00	0.00 to 155.00	0.00 to 193.00	0.00 to 253.00	100%
Band 2	100.01 to 138.00	155.01 to 203.00	193.01 to 220.00	253.01 to 308.00	80%
Band 3	138.01 to 165.00	203.01 to 253.00	220.01 to 275.00	308.01 to 363.00	60%
Band 4	165.01 to 193.00	253.01 to 308.00	275.01 to 336.00	363.01 to 418.00	40%
Band 5	193.01 to 220.00	308.01 to 363.00	336.01 to 392.00	418.01 to 480.00	20%

**The above income band figures will be updated in line with the increases in the rate rates for social security benefits and Universal Credit**

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 2 and the discount they will continue to receive is 80%.

### **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 (non UC recipients only)

### **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	368.74	Net UC Award	848.74
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £848.74 - £480.00 (Housing Element) = £368.74 pcm or £85.09 per week.

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	368.74	Net UC Award	848.74
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	320.00
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £368.74 + £480.00 = £848.74 - £480.00 (Housing Element) = £368.74 pcm or £85.09 per week.

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	368.74	Net UC Award	123.93
Carer Element		Tariff Income	
Limited work capability		Household Earnings	724.81
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme will be £123.93 - £480.00 (Housing Element) = £NIL + £724.81 wages pcm or £167.26 per week (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	368.74	Net UC Award	1238.80
Carer Element		Tariff Income	
Limited work capability	390.06	Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £368.74 + £390.06 + £480.00 = £1238.80 - £390.06 (Limited Work Capability element) - £480.00 (Housing Element) = £368.74 pcm or £85.09 per week.

These are the exceptions and all other elements of Universal Credit will be taken fully into account as income.