

Cheltenham Borough Council Council

Meeting date: 15 December 2025

Meeting time: 2.30 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillors Dr David Willingham (Chair), Martin Horwood (Vice-Chair), Frank Allen, Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Garth Barnes, Dilys Barrell, Graham Beale, Angie Boyes, Jackie Chelin, Barbara Clark, Julia Chandler, Flo Clucas, Mike Collins, Ashleigh Davies, Chris Day, Iain Dobie, Jan Foster, Juan Carlos Garcia Clamp, Steve Harvey, Rowena Hay, Hannah Healy, Sandra Holliday, Peter Jeffries, Tabi Joy, Alisha Lewis, Dr Cathal Lynch, Tony Oliver, Ben Orme, Dr Helen Pemberton, Richard Pineger, Julie Sankey, Stan Smith, Dr Steve Steinhardt, Izaak Tailford, Julian Tooke, Simon Wheeler and Suzanne Williams

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Phone: 01242 264 246

1 Apologies

2 Declarations of interest

3 Minutes of the last meeting (Pages 5 - 26)

Minutes of the Extraordinary meeting held on 17 November 2025

4 Communications by the Mayor

5 Communications by the Leader of the Council

6 To receive petitions

7 Public Questions

These must be received no later than 12 noon on the seventh working day before the meeting.

8 Member Questions

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

9 Review of Statement of Licensing Policy (Licensing Act 2003) (Pages 27 - 108)

Report of the Cabinet Member Safety & Communities, Councillor Victoria Atherstone

10 Review of Taxi and Private Hire Licensing Policy (Emissions Policy) (Pages 109 - 224)

Report of the Cabinet Member Safety & Communities, Councillor Victoria Atherstone

11 Hackney Carriage Byelaws (Pages 225 - 242)

Report of the Cabinet Member Safety & Communities, Councillor Victoria Atherstone

12 Local Council Tax Support Scheme 2026-27 (Pages 243 - 372)

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

13 Half-yearly Treasury Management Report (Pages 373 - 388)

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

14 Cheltenham Borough Council's Greenhouse Gas Emission Report: 2024-25 (Pages 389 - 420)

Report of the Cabinet Member Climate Emergency, Councillor Richard Pineger

15 Member Development Panel Annual Report April 2024- May 2025 (Pages 421 - 440)

Report of the Chair of the Member Development Panel, Councillor Jackie Chelin

16 Delegation to Gloucestershire County Council to act as designated county planning authority responsible for deciding on the Requirements contained in Parts 1 and 2 of Schedule 2 of the M5 Junction 10 Development Consent Order TO FOLLOW

Report of Cabinet Member for Planning and Building Control

17 Appointment of Section 151 Officer

Report TO FOLLOW

18 Notice of Motions

19 Any other item the Mayor determines as urgent and which requires a decision

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Cheltenham Borough Council Council Minutes

Meeting date: 17 November 2025

Meeting time: 2.30 pm - 4.46 pm

In attendance:

Councillors:

Martin Horwood (Vice-Chair), Frank Allen, Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Garth Barnes, Dilys Barrell, Angie Boyes, Jackie Chelin, Barbara Clark, Flo Clucas, Mike Collins, Ashleigh Davies, Chris Day, Iain Dobie, Jan Foster, Juan Carlos Garcia Clamp, Rowena Hay, Hannah Healy, Sandra Holliday, Peter Jeffries, Alisha Lewis, Dr Cathal Lynch, Tony Oliver, Ben Orme, Dr Helen Pemberton, Richard Pineger, Julie Sankey, Stan Smith, Dr Steve Steinhardt, Izaac Tailford, Simon Wheeler and Suzanne Williams

Also in attendance:

Claire Hughes (Director of Governance, Housing and Communities), Gareth Edmundson (Chief Executive), Sarah Farooqi (One Legal) and Louis Krog (Head of Public Protection and DEPLO)

1 A moment of reflection

Before moving to the formal business of the meeting, the Deputy Mayor paid tribute to the Deputy Chief Executive, Paul Jones, a much-loved and respected colleague, who unexpectedly passed away last week. He said Paul first worked for the council as an apprentice at the age of 16, and subsequently worked his way up to the role of Deputy Chief Executive, S151 Officer and Returning Officer. In many ways, as finance director, he was the architect of the council's financial stability, to the benefit of everyone in the town and the council, and there was no-one with as much good humour, warmth and humanity as him. His loss has caused much shock and sadness, and deep sympathy is extended to his family and immediate colleagues in the council team.

He confirmed that the Leader will add a special item to the next Council agenda to give everyone an opportunity to pay tribute to Paul. In the meantime, a Book of Condolence has been placed in the Cambray Room, and there will also be an online way to remember him.

He invited everyone present to stand for a Moment of Reflection.

2 Apologies

Apologies were received from Councillors Beale, Chandler, Harvey, Joy, Tooke and Willingham.

3 Declarations of interest

The Deputy Mayor confirmed that being a county councillor does not count as a registerable interest for Agenda Item 11, Local Government Reorganisation.

4 Minutes of the last meeting

The minutes of the meeting held on 13 October were approved unanimously as a true record and signed accordingly.

5 Communications by the Deputy Mayor

The Deputy Mayor said he had attended several events recently and highlighted just a few:

- the 170th anniversary of Cheltenham YMCA – an extraordinary and moving event, celebrating this fantastic local organisation and the striking scale and breadth of all it does;
- a great celebration of Diwali at Pate's, featuring dance and cultural diversity;
- last week, a climate conference in the Chamber, the first half of which emulated the COP event in Belem, focussing on how the nations of the world are reacting to the existential threat of the climate emergency. He said our generation has not succeeded very well but input from schools and young people suggests that the next generation will do much better. It was a moving and powerful event, and included some very tough questioning.

6 Communications by the Leader of the Council

The Leader had two main items to share.

She recently met with the trustees of the Lido, a voluntary organisation which is going from strength to strength, as demonstrated by:

- a record summer season, with almost 300k visitors and 3,261 season tickets;
- the very popular dog swim raised £23k;

- the new car park has 143 public spaces, 27 bike rack spaces and eight EV chargers;
- 110 seasonal workers are employed, including the winter season.

She was proud that the council supported the solar car park, now completed at a cost of £1.2m; the Lido is now 65% self-sufficient, and excess energy is exported at 15p per kilowatt.

She has also attended the annual parish council get-together, which focussed on local government reorganisation and highlighted the nervousness and uncertainty about the implication of this for parish councils. Liberal Democrats' strong commitment is to bottom-up democracy, so it is important to engage with them. The second stage of the community governance review was approved at the last Council meeting, and will need five full-on reviews before moving to Stage 2; public consultation will take place 05 January-27 March, the responses will be reviewed by the working group in April-May, and it is likely the final recommendations will be brought back to Council in June. Depending on the results, a reorganisation order will be made, and she stressed the importance of Members getting as many people as possible to feed into the consultation to make it of value.

The Deputy Mayor, who was also present at the parish council meeting, said there was very strong appreciation of CBC's consultative approach.

7 To receive petitions

There were no petitions.

8 Public Questions

Five questions had been asked by three members of the public, all of whom were present to ask supplementary questions.

1. Question from Rich Newman to the Leader, Councillor Rowena Hay

What evidence can Cheltenham Borough Council provide to prove that their plan of partitioning our county is the desirable option among the population?

Cabinet Member response:

I'd like to thank Mr Newman for the question. Firstly, it is important to clarify that any proposals relating to LGR are not solely Cheltenham Borough Council's. All councils have worked together to produce business cases for both a single county unitary and a two unitary option based on an East/West split. Gloucester City Council have developed their own business case for a 'Greater Gloucester' Council with another council covering the remainder of the county. Council will also be having a free vote on the LGR options to support Cabinet in making the final decision on which LGR option to support.

With specific regard to partitioning the county, it is important to remind Mr Newman that Gloucestershire is currently partitioned seven ways between six district councils and one county council. In addition, prior to the government white paper, there was a broad consensus among all political parties in Gloucestershire that the preference would be to remain as district and county authorities split seven ways.

I also note that you yourself have previously stood for election to Cheltenham Borough Council. Despite the fact that you have not yet succeeded in being elected, I take from your own commitment to seeking public office in this town that you believe in the importance of having committed local politicians who can passionately represent their local areas. For me this goes to the heart of Local Government Reorganisation, I fundamentally believe that whatever shape local government takes in Gloucestershire, it is vital that our residents and businesses do not feel distant from the decisions that are made. On this basis, having two councils for Gloucestershire could help make the people we represent feel more connected to the decisions that are made.

Furthermore, bearing in mind that local government reorganisation will likely have an impact for the next 50 years or more, at this moment we must make a decision on what is the *right* size council to serve our residents.

On this point the District Councils Network recently completed some independently verified analysis which explored looking at the size and performance of unitary councils.

The full report can be found via the District Council website but the key findings were as follows:

1. There is little or no evidence to support a preference for large unitary councils and no evidence to support the 500k population level set out in government criteria.
2. The bulk of the data analysed shows a non-existent or faint relationship between a council's population and its outcomes.
3. When there is an apparent correlation between population size and outcomes, it rarely favours larger councils.
4. The evidence gives no reason to assume that smaller unitary councils will be less efficient, sustainable or effective due to their size.

Supplementary Question

Thank you for this thorough response. We can agree none of the four points raised show it is the will of the people to remain as one county or to partition Gloucestershire in half. The will of the people of Cheltenham is a priority, and with this in mind, as well the clear disagreement among the councils themselves, does this council agree that more consultation with public is necessary before the council is partitioned?

Cabinet Member response

There will be consultation but the process is that expressions of interest have to be submitted to the government by 28 November, and the government will decide the next stage by 28 March. This will include consultation, but it is still not clear whether this will go beyond statutory partners such as the police and health service. The government has said that the public can feed back on the proposals but it is not going to come out on a roadshow to each town in county. It is down to us to ensure that those with an interest put their arguments forward, and we will encourage our residents to do so.

2. Question from Rich Newman to the Leader, Councillor Rowena Hay

What assurances can this council provide that assets of community value that were issued under Cheltenham Borough Council will be respected and adhered to under any new unitary authority?

Cabinet Member response:

Thank you for the question. On the current timetable, elections to the shadow council(s) will take place in May 2027. I suggest that this question is then best directed to the politicians of the future council that represent Cheltenham.

Supplementary question

Thank you for your response. In eyes of the public, this council has overseen the selling of the airport and Municipal Offices, the closure of the household recycling centre, and the closure of many pubs and businesses. What would you like the legacy of this council to be?

Cabinet Member response

The council will carry on doing what it has always done – serve the people of Cheltenham – and aim to hand over authority to whatever council comes next for a sustainable future.

3. Question from Elliot Craddock to the Leader, Councillor Rowena Hay

According to the BBC, the cost of establishing two councils will take nine years to pay off vs. three years to pay off the single council model. And that's not even considering the future long-term costs of employing twice the number of people to work for twice the number of councils. Can the council outline the benefits for the taxpayers of Gloucestershire, from a money spent and economic point of view, where they can expect a benefit from two councils vs. one?

Cabinet Member response:

I'd like to thank Mr Craddock for his question. At present Gloucestershire is served by seven councils. In all business cases developed for LGR they all project a saving to the taxpayer regardless of whether one or two councils remain for Gloucestershire.

On headline business case figures, a single unitary delivers marginally higher savings, because it avoids disaggregation costs, particularly for children's and adult services. These transition costs are not a flaw in the two-unitary proposal, they are a feature of any reform creating more than one council.

The financial analysis by Price Waterhouse Coopers (PwC) for both the single unitary model and the east/west unitary model shows that the net recurrent savings from the 2 unitary model is 1.3% of total expenditure in 2028/29 compared to 2.5% for the 1 unitary model. This is a marginal difference given the opportunities for economic growth and the forthcoming Fair Funding Review changes.

Every local government reorganisation business case contains financial modelling that attempts to project accuracy but is ultimately a collection of assumptions and estimates. Even the most comprehensive financial model can never fully reflect the financial reality of an established council, nor capture the impact of the way members make decisions shaped by the needs and views of the residents they represent. In this context it is important to put forward the limitations of the financial modelling completed thus far:

- The model is heavily focused on financial efficiencies through economies of scale, particularly in back-office functions and service delivery
- This mechanistic, spreadsheet-driven logic overlooks the complex, relational nature of local government services, especially those involving social care, housing, and community engagement
- Activities like early intervention, prevention, and community support—often delivered more effectively by smaller authorities—are difficult to quantify and thus underrepresented in the model
- The model makes no allowance for a reduction in performance on in-year council tax collection rates, which can be anecdotally evidenced. Gloucestershire districts collectively have an in-year collection rate of council tax of 97.8% (based on 2024/25) which compares favourably to recently created unitaries like Somerset 96.67% and North Northamptonshire 94.92%. A 1% reduction would equate to £4.7m. It is highly likely that bringing six districts together to deliver transformation would create at least some drop in collection performance.
- The model is limited in that it is only able to profile the timing of savings at a high level on a year-by-year basis. The two-unitary solution will be quicker and simpler to bring together services from three district councils rather than six. The on-going savings will therefore be delivered quicker and will provide a platform for further transformation savings.
- The model does not include any additional costs for supporting neighbourhood working which would be required in a single larger unitary which is more remote from its population and would reduce annual savings.

Under the two unitary financial position:

- Net annual savings are estimated at £10.8m, compared with £21.1m for a single authority. The difference is marginal on an annual budget of over £850m, (1.3% v 2.5%) and reflects the estimated disaggregation costs rather than ongoing inefficiency; it does not account for the model limitations set out above.
- Transitional pressures are manageable, and both authorities would be financially sustainable.
- Cost is only one part of the equation; reform that sacrifices legitimacy, service resilience or staff morale for marginally higher savings is a false economy.

In short: the two unitary authority model, achieves comparable financial benefits with far stronger legitimacy, accountability and resilience.

Financial modelling focuses on structure, not strategy. It can calculate the cost of merging teams or closing offices, but it cannot quantify the value of agility, trust, or economic opportunity or the cost of getting reform wrong. Four areas are routinely underestimated:

1. Economic opportunity costs: A large, slow-moving authority, risks losing investment opportunities the foregone GVA would dwarf any structural savings.
2. The prevention dividend: Smaller, connected councils can intervene early and reduce long-term demand pressures, something large authorities can struggle to do.
3. Delivery risk: A council that saves slightly more on paper but faces, staff attrition, and integration problems will erode those gains quickly.
4. Democratic disengagement: When residents don't feel heard, opposition to plans and consultations increases cost and delay.

Taken together, these risks could easily outweigh the £10 million difference between the one and two unitary options, running far higher if reform falters or legitimacy is lost.

Supplementary question

Thanks for the thorough response, and it's good to share the same goal of keeping costs down for the people of Gloucestershire, though odd that the reply criticises financial modelling as a "collection of assumptions and estimates" and later on quotes something that was "anecdotally evidenced". The main argument seems to be the idea that one council would be too slow-moving to deliver for the people of Gloucestershire, implying that one single authority, with all the expertise focussed in that one authority, will be less efficient than two authorities with identical authority. Is that the assumption?

Cabinet Member response

No. At the end of the day it is about what we believe is best for Cheltenham, and in a wider context, what we believe will work. There are no other unitary authorities with two significant urban areas – Cheltenham and Gloucester - which would be constantly competing when applying to government. Cheltenham councillors believe two authorities are needed, to maintain local democracy - some wards are currently served by five councillors between the district and county, and this could be reduced to two, each representing 4.5k people, which would make communicating efficiently with residents difficult. This is a 50-year opportunity to look at local government and how to deliver public services better to residents . Fundamentally, I don't believe that 'bigger is better' – councillors need to be as close as they can to the people they represent.

4. Question from David Redgewell to the Leader, Councillor Rowena Hay

In view of the plans for Greater Gloucester plans being published yesterday, which would take part of Tewkesbury Borough Council and Cotswold District Council into Greater Gloucester, what impact as the soon to be Abolished Cheltenham Borough Council had in to this proposal.

With Cheltenham Borough Council now too small to provide services into Cheltenham and its suburban area like Bishop Cleeve, Shurdington Staverton parts of Prestbury Swindon village new Development,

Why did Cheltenham Borough Council decide to merge with Cotswolds District Council, and Tewkesbury Borough Council.

Rather than support a unitary Gloucestershire Council.

Where large services like social services Education service, Highways and Transport libraries service can be maintained in a single unit

Like unitary Wiltshire, Somerset, and Dorset .

Such a split will lead to a lot of joint arrangements including the Fire and Rescue Service Highways Authority

Cabinet Member response:

I'd like to thank Mr Redgewell for the question. At present Gloucestershire is divided into seven councils with one county council and six districts.

All councils have worked on the development of a single unitary option for Gloucestershire and a two unitary model based on an East/West split. Both proposals set out the respective strengths of each option.

Gloucester City Council have separately developed their own proposal for a Greater Gloucester Council with the remainder of the county forming the other unitary authority. CBC had no input into the development of that proposal.

Cheltenham Borough Council has not decided to merge with any other authorities. The decision on the future shape of local government in Gloucestershire will be

made by the Government. On current timescales, that decision is expected next summer in 2026.

Supplementary question

The county of Gloucestershire has been around for 1000 years, losing Bristol and South Gloucestershire in 1974. Cheltenham is a small town, with a large number of public services. How will splitting the historic county in half provide a decent bus service across the county, as well as health, social, fire services, and highways services, all currently provided on a county-wide basis, not to mention southwest public services such as the ambulance service?

Cabinet Member response

Actually the county is already split in seven, with the county council carrying out statutory functions and the six districts delivering the rest of the services. South Gloucestershire Council used to be part of Gloucestershire County Council, so we know this kind of split can be successful. There is a lot of concern about social services and in particular the effectiveness of adult social care, but at the end of day, the cost of disaggregation has to be gone through.

This is about public sector reform, and we don't necessarily have to have two separate services. For example, the enormously successful Ubico serves the whole of Gloucestershire and beyond, and is paid into by all the councils.

The goal set by government is for single one unitary councils with the carrot of an elected Mayor, but as it doesn't have enough money to introduce this everywhere, it has paused the process - which begs question as to why we are even going through this reorganisation when there is nothing at end of the tunnel for our residents.

5. Question from David Redgewell to the Leader, Councillor Rowena Hay

With Tewkesbury Borough Council, Cheltenham Borough Council and Gloucester city council, Being a principle urban area.

With a joint structure plan .

For Economic growth development,

Housing ,community development, schools college's shopping centres and university campuses, mass rapid transit route planned and bus links

Why was a unitary council for Tewkesbury Borough Council Cheltenham spa Borough Council and Gloucester city council not looked at like Bournemouth Christchurch and Poole as urban area and with a rural Gloucestershire based on Cirencester, Stroud and the Forest of Dean .

With unitary Gloucestershire Council it's easy for one council to join the west of England mayoral combined Authority,

For bus Franchising powers Railway services powers regional planning and Regeneration power NHS services, Police powers over a merged Avon and Somerset police and Gloucestershire Police with the metro mayor having the same powers as the metro mayor Andy Burnham of Greater Manchester in the Devolution Bill soon to be an act.

Gloucestershire East council is very small and in places Deep rural to run major services.

What other than 2 events has Cheltenham spa Borough Council held on these proposals with stakeholders residents and community's business and Trades Unions noting the Cheltenham Borough Council was the only note a public meeting with stakeholders and Trades unions the other Evening.

Bearing in mind Tewkesbury Borough Council do not support west Gloucestershire unitary Council but a unitary Gloucestershire Council.

Cabinet Member response:

A proposal for a unitary council covering Cheltenham, Gloucester and Tewkesbury is not one that has been developed by any of the local authorities within Gloucestershire, therefore, that option will not be submitted to the government. However, the government have the final decision on the future shape of local government. They do not have to select any of the options put forward by councils in Gloucestershire. This means that central government could impose and implement whatever shape of local government it considered was best for the county - this includes the model outlined in the question if the government wished.

With regard to devolution, while it is technically possible for a two-council model of local government to end up in different devolved mayoral areas this is very unlikely. This is because all councils currently have a consensus to keep Gloucestershire together in any future devolved arrangement. However, decisions on future devolution arrangements are at this stage premature as the government has not set any further timetable for implementation of further mayoral strategic authorities.

On public engagement, CBC joined with all other councils to work jointly to seek the views of residents and stakeholders. This was conducted through the summer and included both surveys and in public events and supported the joint development of the business cases.

Finally, on union engagement, officer representation from the LGR joint programme was in attendance at the recent union meeting. But more importantly, CBC has positive and constructive union relationships and has regular meetings to allow our union colleagues to raise and discuss current issues. CBC remains open to discussing LGR in those meetings as it progresses.

Supplementary question

Gloucester City and Gloucestershire County Councils have both upheld expressions of interest about joining the West of England Combined Authority, as has Stroud

District Council. As Cheltenham is a west country town, which looks to the west rather than the midlands, have there been any conversations with the West of England Combined Authority or any case made for an elected mayor?

Cabinet Member response

Yes, this discussion has formed part of the consultation and is included in the documentation presented today. From an economic point of view, the west of England is where we want to go and a natural road for Cheltenham, but this is not our decision.

9 Member Questions

There were none.

10 Cheltenham Borough Council (Markets) Bill

The Cabinet Member for Economic Development, Culture, Wellbeing and Public Realm introduced the report, which needed Council approval before it could progress to government. He said markets are an important and beneficial part of Cheltenham, promoting economic and social wellbeing, but licensing of markets is problematic due to Section 83 of the Cheltenham Trading Act 1882, which makes it an offence to hold a market on any street in the borough and therefore requires the licensing of every individual trader in order to operate. This is not sustainable and generates a huge administrative burden and cost to traders and the council every year.

To resolve this, the Council approved a resolution to repeal S83 in July 2023, and following consultation, a bill has been approved which requires final approval from Members before being deposited with Parliament. Following its adoption, CBC will be granted the powers to set up and manage new markets, setting the days, hours and charges, and to regulate sales. This much-simplified process, fully supported by the majority of respondents, will leave more time to create a tailored approach to better fit the town going forward, supporting businesses better and creating more harmony in the town centre. The private bill must be deposited by November 2025 - otherwise it will have to wait until November 2026 – and he hoped Members would support the recommendations and allow the authority to move forward with these essential works.

There were no Member questions. In debate, the following points were made:

- markets and traders don't often appear at licensing committee but handling individual licenses clearly creates a lot of work for officers who are dealing with alcohol licences, SEVs, taxis and more. A licence for a whole market will make their lives a lot easier;
- it seems bizarre to be discussing an 1882 Act of Parliament, which has created such a huge amount of bureaucracy and now requires a bureaucratic process to withdraw it. Everyone agrees that markets are an enormous and positive bonus for the town, and the repeal of this act will mean the council has more control over where they go. This is a great opportunity to save on bureaucracy and manage markets going forward to the benefit of all;
- this is a great idea, giving the town an opportunity to hold markets in different areas – a great bonus for the town's economy;
- this is just one efficiency brought about by the new Licensing and Public Protection Manager who is doing a great job, and has made excellent progress so far with her successful and professional application of licensing law.

RESOLVED THAT:

- 1. it is expedient to promote a Bill for effecting all or some of the purposes mentioned below and that such a bill be promoted accordingly by the authority. The purposes are:**
 - a. Repealing section 83 of the Cheltenham Improvement Act 1852;**
 - b. Applying Part III of the Food Act 1984 to any market in the borough; and**
 - c. Introducing a power for an authorised person to issue a fixed penalty notice to any person who the authorised person has reason to believe has committed an offence contrary to byelaws made under section 60 of the Food Act 1984.**
 - d. Such other purposes as may be determined by the Council.**
- 2. authority is delegated to the Head of Public Protection, in consultation with the S.151 Officer, Director of One Legal and Cabinet Member for Economic Development, Wellbeing, Culture and Public Realm, to:**
 - a. address procedural matters which may arise in relation to the promotion of the Bill and to enter undertakings or commitments in relation to it;**
 - b. agree to the making of any necessary amendments to the Bill that may arise during the promotion of the Bill; and**
 - c. affix the Common Seal to the Petition for the Bill and to any other necessary documents.**

32 in support

1 abstention

11 2025 Independent Resident Survey Results

Introducing the report, the Leader said resident surveys have been undertaken in 2019, 2022, and 2025, with the results of this year's survey now collated and presented to Members for noting and information. She made the following points:

- the surveys help measure how residents feel about Cheltenham and CBC services, and this year's is particularly well timed, coinciding with local government reorganisation, to provide information about how people identify with the town and which services are most valued;
- there is continued dissatisfaction with roads and pavements, and the findings will be shared with the new administration at the county, which will hopefully make improvements to benefit Cheltenham residents;
- we have been through torrid times since the last survey, with covid, the cost of living crisis, inflation and massive increase in energy bills presenting a huge financial challenge and requiring the council to deliver millions of pounds' worth of savings to protect our services. The fact that overall satisfaction levels this year are consistent with those of 2019 is something of which we can be proud, although there is always room for improvement;
- many people responded to the survey on line, but to ensure qualitative data, a specific number of phone calls to residents were also made, to provide a proper cross section of all residents from the age of 16 to pensioners.

There may not be another survey before 2028 but we will look at what residents are telling us and fight to protect and enhance the local services they rely on.

In response to Members' questions, the Leader confirmed that:

- where north, south, east and west Cheltenham is referred to, she was unable to say specifically which wards fall in these areas. The survey was carried out by Enventure Research Ltd, and they can provide that information;
- relevant results of the survey will be shared with Gloucestershire County Council – in particular residents' concerns about roads and potholes, and the closure of the Swindon Road HRC – and she welcomed the opportunity to work together with the county to resolve the issues.

In debate, Members made the following points:

- it is interesting to note that over 80% of Cheltenham residents think it is important to be represented by a local council and councillors;
- another interesting point to note is that residents don't feel they have enough choice of retail options in the town centre – this view is particularly prevalent with young people – and highlights the need to focus on attracting more affordable retailers to the town;
- although we all know we are lucky to live in Cheltenham, and the survey reinforces this, there are still challenges and it is important not to be complacent. We must continue to engage with residents, knock on doors, distribute leaflets, and make sure people know who we are and how to get in touch;
- it is great to read in the survey that young people now think that Cheltenham is offering greater career opportunities, after so many years when a lot of young

people left the town to pursue careers elsewhere. Now Golden Valley, cyber security and more are generating and driving good, quality jobs for Cheltenham people and will do for years to come – this is a fantastic bonus;

- the concerns about the loss of Swindon Road HRC are understandable, but some very positive discussions have taken place with the new Liberal Democrat administration at Shire Hall, with Cabinet Members agreeing that Cheltenham needs its own household recycling centre – it is the only urban centre in the county without one – and resolved to fight tooth and nail for this;
- another interesting point is that with the sale of the Municipal Offices imminent, people still want a council presence in the town and it is important that this is maintained;
- there are allusions to the town going downhill in some areas, with particular reference to litter and graffiti. This is the bane of all our lives and has a depressing impact; Cheltenham BID has done a good job cleaning up graffiti in the town centre, but we need to do more to catch and prosecute the perpetrators. It is great that Cheltenham has 16 litter-picking groups, and the council will continue to work with them;
- career opportunities in Cheltenham have increased greatly in the last few years, encouraging people who live or come here to study to stay on;
- it is good to note that people are proud to say they are from Cheltenham.

The Leader thanked Members for their comments, and following on from the last point and in the context of the upcoming item on local government reorganisation, she said it is all about place, where the heart is. People identify with Cheltenham and value the places and spaces where they live. She said no-one knows Cheltenham as well as its residents and Members do.

RESOLVED THAT:

- 3. the 2025 Resident Survey results and the insights they provide for future service delivery are acknowledged;**
- 4. the results will be used to inform future delivery of council services;**
- 5. the results will be communicated to the council's partners with lead responsibilities for areas where further improvement has been identified;**
- 6. the survey will be repeated in three years' time.**

34 in support - unanimous

12 Local Government Reorganisation - Business Case Submission

The Leader introduced the report, which she said had been an absolute Herculean effort over the past few months, to provide the information and detail requested by the government. Although the borough does not welcome local government reorganisation, it is not in our control, and ironically the government will decide what shape local government in Gloucestershire will take, while badging the initiative as giving people greater powers. She has fought for what she believes is the best

option and in the best interests for Cheltenham's residents and businesses, and tried to ensure that Cheltenham's voice is heard.

Whatever the outcome, the council will continue to work in a collaborative way and in partnership to deliver the best for our town, but working in collaboration requires compromise, so rather than try to highlight the key points of many hundreds of pages of business cases today, she would explain from the heart why her core liberal values make her believe that two unitaries – East and West Gloucestershire - is the best option for Cheltenham and the county:

- business cases are not statements of fact – they are opinions, underpinned by financial assumptions, and the same data can be used as the basis of very different proposals;
- there is no doubt that one big council can try to ensure that local residents' forums and parish networks go some way towards mitigating the loss of local councils, but why take risk? A fundamental Liberal belief is to always aim for the most power at lowest level and on this measure, two unitaries are the only choice for Gloucestershire;
- the maths is simple – in a future East Gloucestershire Council, almost 50% of the councillors will represent Cheltenham; in a single unitary, it will be only 25% who are able to speak for our town. This will result in a dilution of our power and influence – over Cheltenham's culture, festivals, investment, sense of place – and cannot be supported;
- we currently have an urban-centred, rural-blind government, hostile to town and parish councils, which wants to reduce power to neighbourhood talking shops with no power to create change. This is a top-down, civil servant-led artificial construct, based on population size and service delivery assumptions, trying to boil down the creation of new councils to some sort of technical procurement exercise. We have played our part and worked hard to make our case, but no civil servant can override our knowledge of our wards over the decades;
- the current two-tier system has its faults, but recognises the diversity of place across the county, and can flex to the vast differences, delivering local politicians with the power to shape place. Whatever option is chosen, the result will be a council many times bigger than what we have now, and faced with that choice, we must choose the smallest viable option to ensure that decision-making and power remain as close to residents as it can.

She ended by saying this is a once-in-a-generation opportunity for residents to make changes which will last for 50 years. All the options presented for Gloucestershire are as imperfect as the business cases that describe them, which is why she remains of strongest belief that we must choose power and influence at the most local level and support an east and a west unitary for Gloucestershire.

The Deputy Mayor thanked the Leader and explained the process and how the vote would work, reminding Members that the chosen option would be submitted as an advisory to the government, who will make the ultimate decision on Gloucestershire's future.

There were no questions.

In debate, the overwhelming majority of those who spoke agreed with the Leader's comments and proposal for two unitaries, and praised the Leader, Cabinet and officers for the huge amount of work involved in bringing the report and the business cases to Council today. They made the following comments, points and observations in support of two unitaries:

- the one-size-fits-all approach doesn't work, especially in large rural areas with multiple urban centres and many local identities. Possible financial savings should not be the only driver to determine the most appropriate long-term system, and the Local Residents Survey proves that over 80% of Cheltenham residents feel it is important to be represented by a local council and councillors. In hard times, statutory services are always cut first – in a single unitary council, six areas will be prioritising their own needs, fighting for one pot of money to fund services to improve their own community's wellbeing, economy and environment. Reducing councillor representation per division from five to two raises huge concerns, not only because the significance of local knowledge and local accountability is enormous, but also because it will create a significant barrier to anyone of working age being able to commit the required hours to deliver on behalf of the communities they serve, and although inclusive representation will be harder in a two-unitary authority scenario, it will be impossible in a single unitary. The Greater Gloucestershire proposal recognises many benefits of smaller population sizes but doesn't equally address the huge population size on the outer edge of the donut, or acknowledge that Gloucester is not the only large urban area in the county;
- local government reorganisation will remove a layer of democracy and autonomy from our residents, and we must fight for the best solution for them. CBC officers and councillors care deeply and work hard to deliver an amazing number of statutory and discretionary services on a small budget, and it is a fallacy – not practical or logical – to suggest that an authority responsible for 650k people, spanning multiple urban areas as well as rural ones with distinct identities and economies, can do the same. The argument against splitting highways and other county-wide services is weak when the residents' survey suggests that those services aren't working for us now, but cross-boundary services like Ubico and the Local Visitor Economy Partnership prove that they can work successfully. South Gloucestershire Council, with 300k people, already exists on our doorstep, and three authorities of roughly equal numbers serving the county of Gloucestershire will result in better representation and equity. No solution is perfect, including the current set-up of councils, but two unitary councils will better protect our town, our residents' interests and futures, and provide something for them more than just cost savings.

One Member felt a single unitary authority to be the only option that sticks to government's request that the new council should represent over 500k residents, and said that the Greater Gloucestershire model would result in a very small unitary of 180k. The benefits of two unitaries should be more councillors per resident, but in fact both the two-unitary and one-unitary option will result in just 110 councillors across the county, many less than the current representation. The east-west split is an improvement in terms of percentage of Cheltenham's representation but doesn't change each councillor's workload or the ability of a resident to contact their local

representative. The east-west split model also talks extensively about the individual identities of different areas of Gloucestershire, but neither a single nor a split unitary can change that; our regional identities sit in our people and will be maintained. Also, there are already regional differences across Cheltenham, between the different wards and areas. Pooling together all our resources in a single unitary will allow us to deliver services centrally, with all our expertise in one place and networked across all the districts and boroughs.

Members in support of two unitaries continued to explain their reasons:

- local government reorganisation is a blatant power-grab by the Labour government, and a huge waste of officer time and tax payers' money. It wipes out the vital layer of democracy that is closest to the citizen, taking their elected representatives further away in a large unitary authority. Larger does not necessarily mean better or more efficient, and there are many examples across the country where smaller can be successful. Cheltenham has 150 years of strong local democracy, and the best option is the most local – the two-unitary option. This can deliver better services to the communities it serves, including licensing, planning, and tackling the climate emergency; district councils are already leading bold, community-driven innovation and this must not be lost. Two strong, focussed councils will champion local priorities, and also provide real opportunities for the important involvement of the youth voice and youth representation. Our hands are tied and the final decision will be made by the government minister, but whatever the outcome, Members will work hard to make it work for our residents; two distinct authorities will provide balance, scale and localism, with decisions made as close to citizens as possible;
- No Child Left Behind was sparked by a statistic showing that the youngest child to be excluded from school in Gloucestershire lived in Cheltenham – and from that initial spark, 113 organisations now work with NCLB and 7,000 children have been helped with school uniform, computers and much more. The county was too far removed from the local area and community to recognise these problems and act on them. A two-unitary authority gives local people a local voice, and local councillors the opportunity to work with them and drive forward the things that matter. CBC already works successfully with Tewkesbury, and together they can continue to do the best they can for their towns and residents;
- the representation constraint from five to two councillors is really concerning – the increased workload will mean the loss of some good councillors, with full-time jobs and/or caring responsibilities, who do not have capacity to carry out the role. The government should be condemned for putting us in this position;
- CBC has survived many years of austerity and Conservative funding cuts, only for the current Labour government to take our representation away as well. Liberal values are for maximum representation at the lowest level; dilution of democracy will mean a dilution of Cheltenham, but as reorganisation is inevitable, two unitaries is the least worst option. The Deputy Chief Executive always said that bigger isn't necessarily better, and the fact that the failing services – highways, transport, social services - are all at county level while the wonderful things that we all love about Cheltenham are at borough level is proof of that;

- there are many arguments pulling us both ways, but the issue of representation is a clincher, at two levels: firstly, 54% of councillors will represent Cheltenham in a two-unitary council as opposed to 25% in a single unitary, and secondly, at the other level, there will be two Gloucestershire councils bidding for funding, striving to get their voices heard in Parliament, working with partners locally and nationally. Both are very persuasive arguments;
- the most important issue is the local councillor's relationship with the people they represent – understanding their problems and feeling they can actually do something to help. That connection and identity is needed to feed into decisions and actions, and needs to be as close to home as possible. Gloucestershire is a huge county with very different needs – all important, but requiring different solutions. The two-centre model is the only one which will work in the long term;
- in response to the Member who spoke in support of a single unitary, the figures that suggest representation in both a single unitary and two unitary councils will be the same are temporary. A boundary review will bring the number of councillors in a single unitary down to 60-70 rather than 110 – so ultimately providing less representation than 52 councillors in each of the two unitary councils. Regarding the size of unitary councils, there is no proof that over 500k residents offers any particular value: the District Councils Association found a negative correlation with outcomes as authorities became larger, and 350k in each of two unitary councils feels like a good size. Regarding representation, this also applies to officers: pooling experts in one centre of excellence is put forward as a reason to support a single unitary, but two unitaries of 350k residents provides enough capacity to have experts in both, and a single expert in one large unitary would only be able to give half the time and attention to very serious cases before them;
- it is striking to note how few residents understand this most significant decision, and notable that central government wants to introduce sweeping reforms with little evidence that they are wanted or even understood by the electorate. Local people value local government because it is local with decisions and advice rooted in local knowledge from people who understand the neighbourhood and share a sense of place, familiarity and community. The government's focus is on efficiency savings but efficiency is not a mandate for better service, and not a reason to reduce democratic representation or weaken local connection. One unitary authority or a centralised model will not improve outcomes for Cheltenham people, and could be underpinning a broader, unspoken national agenda around automation and AI. Although this can offer many capabilities, streamline processes and improve efficiency, it cannot and must never be allowed to replace the value of people; people need purpose and connection, and no algorithm can replicate the reassurance of speaking with a human who belongs to the community. The two-unitary model is not perfect but is the closest option to preserving the high degree of local representation and knowledge that the current system has. We must choose not just a structure but a philosophy of local government, that values people over systems, community over consolidation, and representation over remote efficiency;
- a two-unitary model is the only way forward, to prevent Cheltenham councillors from becoming disconnected with the people they represent. We need to look after our residents' best interests, not other people's – this is all that matters;

- local government is the best form of government, providing deep human connections, the ability to step into people's lives and take the weight from their shoulders, have real conversations with residents – and for many councillors, trying to maintain this connection in a ward twice as big would be almost impossible, making the role of councillor the exclusive purview of the retired and the wealthy. People need a sense of connection, especially in times of crisis, and they cannot be reduced to a number on a list too long to get round to. The government is hacking away at connections that keep the county moving and drive local investment, such as Golden Valley and all the new jobs and opportunities it is providing - it will kill local growth, local connection, and local government in any sense of word. The whole LGR process is a pantomime, involving hours of everyone's time; it takes years to deliver real change for real people, and the government should be concentrating on more important issues;
- the report talks about the 'right size' of local government, and Price Waterhouse Cooper proposed as 650k as the best option for a single unitary, with two smaller unitaries of 350k given the amber light. When unitary authorities were originally introduced many years ago, 250k was considered an appropriate number, and in view of population growth, 350k seems a sensible figure for now; 650k is just too large. The Deputy Chief Executive made a strong financial case to prove that two unitary authorities will be stronger than one, and it is worth noting that when health authorities were similarly merged in the past, with one of the strong drivers being the efficiency and financial gains, the reality was the exact opposite, and economies of scale were not delivered;
- a single unitary authority model appears to be the most financially driven and focussed on efficiencies, but local representatives care more about their residents and giving them a voice. The best way to do this is two unitary authorities – those voices will make up a higher percentage of the authority and therefore be louder;
- a particular concern about a unitary authority centred on Gloucester is planning, which is such an essential part of what people feel about a town, how it grows and develops, and how that is supported by the local planning authority. One single planning authority for the whole of Gloucestershire would be detrimental, and we would lose commitment and connection; two unitary authorities will help retain control;
- with two unitary councils, not only will Cheltenham have a bigger representation and louder voice in a smaller authority but so will every community across Gloucestershire – this is one of the reasons why so many county councils who have been down this path before us have opted for more than one unitary authority in their area. In all cases, they have started with an unequal balance of need and finances, but very few are likely to have been as close as the projection of £20m surplus or deficit in east and west Gloucestershire that would represent only 2% of overall turnover of two unitary authorities, and is probably within the margin of error on the consultants' spreadsheets;
- finally, to quote from E F Schumacher's inspirational 1974 book *Small is Beautiful*, 'we are generally told that gigantic organisations are inescapably necessary but there is a tremendous longing and striving to profit if at all possible from the convenience, humanity and manageability of smallness. Bigger is not always better'.

Invited by the Deputy Mayor to sum up, the Leader thanked Members for their comments and support. She responded to some of the points made:

- the original threshold of 500k residents for a single unitary authority was set by the government in November 2024, but the goal posts have moved since and they have said they will look at proposals for 350k or less. On that basis, both the single unitary and two-unitary proposals meet the threshold;
- although 110 councillors would initially serve on a unitary authority, this would be reduced to 90 following a referendum, further reducing representation with that model as opposed to the two-unitary model;
- it is important to make clear to the government that we are not against change – CBC can see the advantages of a unitary council and some degree of reorganisation – but it is against the idea of such vast numbers and the notion of sacrificing long-term sustainability for short-term financial gain. We just want to be involved in the changes, and to ensure that decisions are based on people not numbers;
- with reference to the £20m margin mentioned by a Member, CBC's council tax collection rate is extremely high but there is massive potential for this to drop with a unitary council, as has happened elsewhere. This could result in millions of pounds' worth of loss, which closes the gap on that £20m.

She ended by thanking officers, starting with the Deputy Chief Executive, amazing S151 Officer and finance lead, who challenged the process and took on the might of Price Waterhouse Cooper, disagreeing with their figures – and reducing them by £16m. Officers and councillors have spent huge amount of time throughout this process while still delivering on their day jobs, and she thanked officers across the county, but in particular at CBC: Paul Jones, Gareth Edmundson, Claire Hughes and Ann Wolstencroft.

The Deputy Mayor reminded Members that the votes being taken were not decisions but advisory votes which will be taken into consideration by the Cabinet when they make the decision on CBC's submission at their meeting on Tuesday 18 November.

The voting was as follows:

RESOLVED THAT:

- 1. The following completed final business cases and supporting documentation are noted:**
 - b. a single unitary for Gloucestershire, appendix 3**
 - c. a two unitary East and West Gloucestershire appendix 4**
 - d. a two unitary Greater Gloucester/Gloucestershire appendix 5**
 - e. stronger places, stronger Gloucestershire – the case for East and West Gloucestershire, appendix 6**

Three advisory votes were then taken as set out in Recommendation 2 of the report, one for each of the three options as follows :

VOTE 1 : A single unitary for Gloucestershire, as detailed in the business case in Appendix 3

3 for, 29 against, 2 abstentions

VOTE 2 : A two unitary, East and West Gloucestershire, as detailed in the business case in appendix 4

30 for, 2 against, 2 abstentions

VOTE 3 : A two unitary, Greater Gloucester and Gloucestershire, as detailed in the business case in appendix 5

31 against, 3 abstentions

RESOLVED THAT:

- 2. the preferred option is a two-unitary, East and West Gloucestershire, as detailed in appendix 4.**

RESOLVED THAT:

- 3. The advisory votes (as minuted above) on the business cases for LGR be taken to Cabinet for consideration as part of their decision making on which LGR option to support in the joint submission to the Ministry of Housing, Communities and Local Government.**

The Deputy Leader said he had attended many debates in many different chambers, and commended Members for a remarkably well-informed and reasonable debate, expressing different opinions with passion and incisive knowledge

13 Any other item the Mayor determines as urgent and which requires a decision

The Deputy Mayor had two items of urgent business.

13a Delegation of Planning Enforcement to Tewkesbury Borough Council in respect of Golden Valley Development

The Cabinet Member for Planning and Building Control introduced this important late item, explaining the background and why a decision was urgently required, as set out in the report. He said the report is in line with Corporate Plan priorities, and drew Members' attention to Paragraph 3.1, which outlines the responsibilities that will remain with CBC. He hoped that they would be happy with this approach and the contents of the report.

In response to a Member question about a reciprocal arrangement with Tewkesbury Borough Council, the Cabinet Member for Planning and Building Control said that this arrangement relates specifically to the north and south parcels of land owned by CBC and the developers.

There were no other questions and no debate.

RESOLVED THAT:

1. the delegation of planning enforcement powers to Tewkesbury Borough Council under Section 101 of the Local Government Act 1972 and Section 9D of the Local Government Act 2000 is approved;
2. The Director of Planning & Building Control, in consultation with the Monitoring Officer, is authorised to finalise and enter into a formal delegation agreement with Tewkesbury Borough Council.
3. The arrangement will be reviewed annually by the Director of Planning & Building Control in consultation with the Monitoring Officer and Cabinet Member for Planning & Building Control to ensure effectiveness and continued alignment with strategic planning and land management objectives.

1.

Unanimous

13b Appointment of Electoral Registration Officer and Returning Officer

The Monitoring Officer said the meeting had begun with a moment's reflection on the very sad loss of our Deputy Chief Executive, Paul Jones and that one of his roles was that of Electoral Registration Officer and Returning Officer. All will agree that he did an amazing job running CBC's elections for many years, but now the council is due to publish the register of electors on 01 December and legally we must have an Electoral Registration Officer in place in order to be fully compliant with the Representation of the People Act. Having taken advice today from the Electoral Commission about whether we can defer making appointment, it was made very clear that we should proceed to an urgent decision to appoint an Electoral Registration Officer and Returning Officer to be in place if an election was called.

There has been no time to write a report, but the recommendation is that the Chief Executive, Gareth Edmundson, is appointed to those roles with immediate effect.

There were no questions or debate.

RESOLVED THAT:

- the Chief Executive, Gareth Edmundson, is appointed as Cheltenham Borough Council's Electoral Registration Officer and Returning Officer, with immediate effect.

Unanimous

Cheltenham Borough Council

Full Council – 15 December 2025

Review of Statement of Licensing Policy (Licensing Act 2003)

Accountable member:

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

Accountable officer:

Michelle Bignell, Licensing and Public Protection Manager

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

Section 5 of the Licensing Act 2003 requires the Council to review, determine and publish its Licensing Act 2003 Policy Statement every five years.

The current policy statement was adopted by Council in December 2020. A review of the current policy statement has been undertaken as outlined in this report.

Consultation has been undertaken, and this report provides Cabinet with opportunity to consider the feedback, approve the revised policy, subject to any changes made, and recommend to Council adoption of the revised licensing statement.

Recommendation:

1. Adopt the revised licensing policy statement to take effect from 7 January 2026
-

1. Implications

1.1 Financial, Property and Asset implications

There are no financial implications arising from this report.

Signed off by: Ela Jankowska, Finance Business Partner, Ela.Jankowska@cheltenham.gov.uk

1.2 Legal implications

The Licensing Act 2003 came into force on 24 November 2005 and transferred the responsibility for licensing premises and persons selling alcohol from the courts to local authorities.

A requirement of the legislation is that all local authorities (or Licensing Authorities as they are known under the Act) must draft, consult on and publish a 'Statement of Licensing Policy'. The Statement of Licensing Policy must have regard to the content of a set of guidance notes published by the Secretary of State.

The Act requires each Council to review its Statement of Licensing Policy whenever necessary and, in any case, every five years.

Signed off by: One Legal, legalservices@onelegal.org.uk **Date:** 23.10.2025

1.3 Environmental and climate change implications

There are no climate implications arising from this report.

Signed off by: Maizy McCann, Climate Officer, Maizy.mccann@cheltenham.gov.uk **Date:** 29.10.2025

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

Please see attached equality impact assessment in **Appendix 4**.

1.6 Performance management – monitoring and review

Through normal service delivery.

2 Background

2.1 Section 5 of the Licensing Act 2003 ("2003 Act") requires the Council to review, determine and publish its Licensing Act 2003 Policy Statement ("policy statement") every five years.

2.2 The Council's [current policy](#) was adopted in 2020 after a full consultation.

2.3 Statutory delegation states that it sits with Full Council to adopt the final policy.

3 The Licensing Act 2003

3.1 The 2003 Act is the primary legislation that deals with the licensing requirements relating to:

- a) the sale by retail of alcohol,
- b) the supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- c) the provision of regulated entertainment, and
- d) the provision of late-night refreshment.

3.2 The licensable activities listed above are authorised through the issue of:

- a) a premises licence; or
- b) a club premises certificate; or
- c) a temporary event notice.

3.3 The council is obligated to promote the four licensing objectives when discharging its functions under the 2003 Act including setting policy. The licensing objectives are:

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

4 The Policy Statement

4.1 The draft proposed policy statement is attached at Appendix 2 of this report.

4.2 The policy statement sets out the principles the Council will apply when determining applications under the 2003 Act for up to the next five years. It also provides guidance to licence holders and applicants on how to make an application and advises them how the Council will determine applications.

4.3 The draft amended policy reflects changes in primary legislation, case law and national guidance. Changes to the policy also draw from the Council's experience since the 2003 Act was implemented.

4.4 There is recognition that the trade in alcohol has benefits for the town particularly in relation to the economic contribution made through, for example, a vibrant and popular night-time economy that draws thousands of people on most nights and investment in the town by businesses selling alcohol.

4.5 This policy statement sits alongside the work that the ENTE (Evening and Night-Time Economy) working group is conducting and there is an aspiration to implement a Charter for businesses to sign up to demonstrating their commitment to providing safe spaces for all. This work also supports the work that we do to maintain our Purple Flag accreditation which recognises our thriving and safe town.

5 Policy amendments

5.1 Since the last statement of policy review, there have been no significant changes to the national statutory guidance, primary legislation or case law that would substantially affect the policy. Consequently, there are no significant changes proposed as part of this policy review.

5.2 Aside from general tidying up and general updates, the following notable changes are proposed:

- Additional information on personal licences and annual fees
- Women's safety and wider vulnerability section

Page 30

- Inclusion of ENTE Charter and reference to Purple Flag accreditation
- Safeguarding concerns
- ID retention policy

5.3 Before publishing, the document will be formatted in accordance with accessibility guidelines and the contents page updated.

6 Statutory Guidance (February 2025)

6.1 Section 4 of the 2003 Act states that, in carrying out its functions, the Council must 'have regard to' guidance issued by the Secretary of State under section 182.

6.2 The current guidance is referenced in the background information section of this report.

7 Consultation

7.1 Section 5(3) of the 2003 Act stipulates the statutory consultees the Council must consult with when determining its policy statement. These are the chief officer of police, the fire authority, the representatives of premises and personal licence holders and club registration certificates as it sees fit, and other persons that are seen to represent businesses and residents in the area.

7.2 A list of consultees is outlined in Appendix A of the revised policy.

7.3 During the consultation period, there were 7 responses. These are attached at Appendix 4 including officer response. The relevant policy changes have been incorporated in the revised draft policy document for approval and recommendation for adoption attached at Appendix 2.

7.4 Cabinet resolved to approve the draft policy at their meeting on 18 November 2025 and recommend to Council to adopt.

8 Alternative options considered

8.1 The Council can resolve not to adopt the revised policy statement. However, this option would result in the Council failing to comply with its duty and function under the 2003 Act.

8.2 Alternatively, the Council can resolve to readopt its current policy without change but this is likely to result in the Council being unable to effectively discharge its licensing function under the 2003 Act.

9 Key risks

9.1 See Appendix 1.

Report author:

Michelle Bignell, Licensing and Public Protection Manager, michelle.bignell@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Draft policy for adoption
- iii. Review feedback
- iv. Equality Impact Assessment

Background information:

1. [Licensing Act 2003](#)
2. [Revised Guidance issued under section 182 of the Licensing Act 2003 \(February 2025\)](#)
3. [Cheltenham Borough Council's Licensing Act 2003 Licensing Policy Statement Approved by Council, 1 Dec 2020](#)

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
	There is a risk that the council may not be able to properly regulate activities under the Act if it fails to adopt the revised policy.	Head of Public Protection	3	2	6	Approve	Approve revised policy for adoption.	Licensing and Public Protection Manager	To be adopted at December Full Council
	The review and adoption of this policy is a statutory requirement, if the Council does not adopt a revised policy statement it will be failing in this duty and might face legal challenge from licence holders, responsible authorities and/or the wider public.	Head of Public Protection	3	2	6	Approve	Approve revised policy for adoption.	Licensing and Public Protection Manager	To be adopted at December Full Council

Licensing Act 2003

Licensing Policy Statement



All enquiries should be directed to:

Licensing Section
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CHELTENHAM
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This Policy was approved December 2025.

LA2003 Policy Index

Contents

.....	1
LA2003 Policy Index.....	2
Policy Vision Statement.....	4
1. Introduction	5
Licensing Principles and Process	6
Scope.....	7
Licensing Objectives	7
Consultation	8
Duration and Review	8
Promotion of equality.....	8
2. The Borough of Cheltenham	9
The Area	9
Demography	9
3. Licensing Process - Making an Application	10
Premises Licences & Club Premises Certificates	10
The Operating Schedule	10
Guidance on Operating Schedule.....	11
a) Crime and Disorder.....	11
b) Public Safety.....	12
c) Public Nuisance	13
d) Protection of Children from Harm.....	15
e) Plans	16
4. Determination of Applications	17
Decision Making Process	17
Matters to be dealt with	17
Full Committee.....	17
Sub Committee	17
Officers	17
Unopposed Applications.....	18
Opposed Applications	18
Representations.....	18
Appeals.....	19
5. Temporary Event Notices (TENs).....	20
6. Personal Licences – New Applications.....	22
7. Personal Licences – Suspension and Revocation	23
8. Integrating Strategies & Specific Policies	26
Encouraging Diversity in the Night-Time Economy that is Less Focused on	
Alcohol	26
Designated Area of Concern	26
Joint Core Strategy and other planning policies.....	27
Public Spaces Protection Order (PSPO)	27
Management of Licensed Premises	27
Designated Premises Supervisor (DPS).....	28
Nightsafe.....	29
Evening and Night-Time Economy (ENTE) Strategy and Purple Flag	
accreditation.....	29
Woman's Safety and Wider Vulnerability.....	30

Safeguarding Concerns.....	31
Sexual Entertainment.....	32
Core Hours for Licensable Activities.....	33
Latest Admission Times	34
Takeaway/Late-Night Refreshment Premises	35
Pavement Cafes and External Areas.....	35
On and Off Sales.....	36
Promoting Safe Drinking Limits	36
Code of Good Practice for Drinks Promotions	37
Shops Selling Alcohol (Off Licences).....	38
Late night refreshment exemptions based on designated locations, premises types and times.....	39
9. Film Classifications.....	40
10. Events on Council Land.....	40
11. Enforcement.....	41
Reviews	41
Suspension of Licences and Certificates for Non-Payment of Annual Fees.....	41
Appendix A –Consultees	43
Appendix B – Responsible Authorities.....	44
Appendix C – Pool of Model Conditions	47
Appendix D – Designated Area of Concern	61
Appendix E – ID retention policy wording for licensed premises (agreed with Gloucestershire Licensing Authorities and Police).....	62

Policy Vision Statement

We want Cheltenham to be a safe and clean town that offers a greater diversity in the night-time economy that is less focused on alcohol and protects the quality of life for residents.

1. Introduction

- 1.1 This Licensing Policy Statement (“policy”) has been produced in accordance with the requirements of the Licensing Act 2003 (“the Act”) and is in line with guidance issued under Section 182 of the Act. Section 5 (as amended) of the Act requires Cheltenham Borough Council (“the authority”), acting in its capacity as the Licensing Authority to prepare and publish a statement of its licensing policy at least every five years.
- 1.2 This policy was last reviewed in 2020. In determining the policy the authority has taken into consideration any comments made by consultees. The authority has also taken into consideration the statutory guidance, changes in legislation and the experience of administering and enforcing the Act since its introduction.
- 1.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the authority will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment and also to provide a basis for all licensing decisions taken by the authority over the next five years. It will also inform elected Members of the Licensing Committee the parameters within which licensing decisions can be made.
- 1.4 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.5 Other matters also taken into account in formulating this policy:
 - a) Cheltenham Borough Council’s corporate strategy and outcomes.
 - b) Local planning policy in particular the Joint Core Strategy and Local Plan and the Local Development Scheme .
 - c) Gloucestershire’s Police and Crime Prevention Plan.
 - d) Section 182 statutory guidance.
- 1.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:
 - a) Planning controls;
 - b) Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including the provision of Closed Circuit Television (CCTV);
 - c) Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
 - d) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;

- e) The confiscation of alcohol from adults and children in designated areas;
 - f) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - g) The power to seek a review of the licence or certificate in question.
- 1.7 It should be understood that this policy and the statutory guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the authority will give full reasons for departing from this policy.

Licensing Principles and Process

- 1.8 This policy sets out the process the authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the authority's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 1.9 The authority is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and administering temporary events notices in the borough.
- 1.10 The objective of this policy is to:
- a) promote the four licensing objectives (see 1.16);
 - b) ensure that the premises are appropriate for their proposed use;
 - c) ensure the premises layout and condition is acceptable for the proposed use;
 - d) ensure that the premises are being managed responsibly; and
 - e) promote the Policy Vision Statement.
- 1.11 This policy also seeks to promote the authority's wider priorities, in particular that:
- Cheltenham has a clean and well-maintained environment;
 - Cheltenham has a strong and sustainable economy;
 - Communities feel safe and are safe;
 - People are able to lead healthy lifestyles; and
 - Our residents enjoy a strong sense of community and are involved in resolving local issues.
- 1.12 The authority's powers and duties as the licensing authority are delegated by Council to its licensing committee, sub-committees and officers. The authority approaches these delegations in accordance with the table of delegation set

out below or otherwise in accordance with the authority's adopted constitution.

- 1.13 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.
- 1.14 The policy does not:
 - a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or
 - b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows.

Scope

- 1.15 This policy relates to the licensable activities defined by section 1(1) of the Act, namely:-
 - a) retail sales of alcohol;
 - b) the supply of alcohol by or on behalf of a club;
 - c) the provision of regulated entertainment; and
 - d) the provision of late-night refreshment.

Licensing Objectives

- 1.16 The authority will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
 - a) The prevention of crime and disorder;
 - b) Public safety;
 - c) The prevention of public nuisance; and
 - d) The protection of children from harm.
- 1.17 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 1.18 In determining a licensing application, the overriding principle adopted by the authority will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed.
- 1.19 The authority will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure.
- 1.20 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the

licensee and the effect which the operation of that business has on the vicinity.

Consultation

- 1.21 In accordance with section 5 of the Act and prior to the publication of this Policy the Licensing Authority consulted with the persons and organisations stipulated in [Appendix A](#) of the policy.

Duration and Review

- 1.22 The policy takes effect 6 January 2026 and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

Promotion of equality

- 1.23 The policy recognises that the Equality Act 2010 places a legal obligation on this authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics through the functions outlined in this policy. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

2. The Borough of Cheltenham

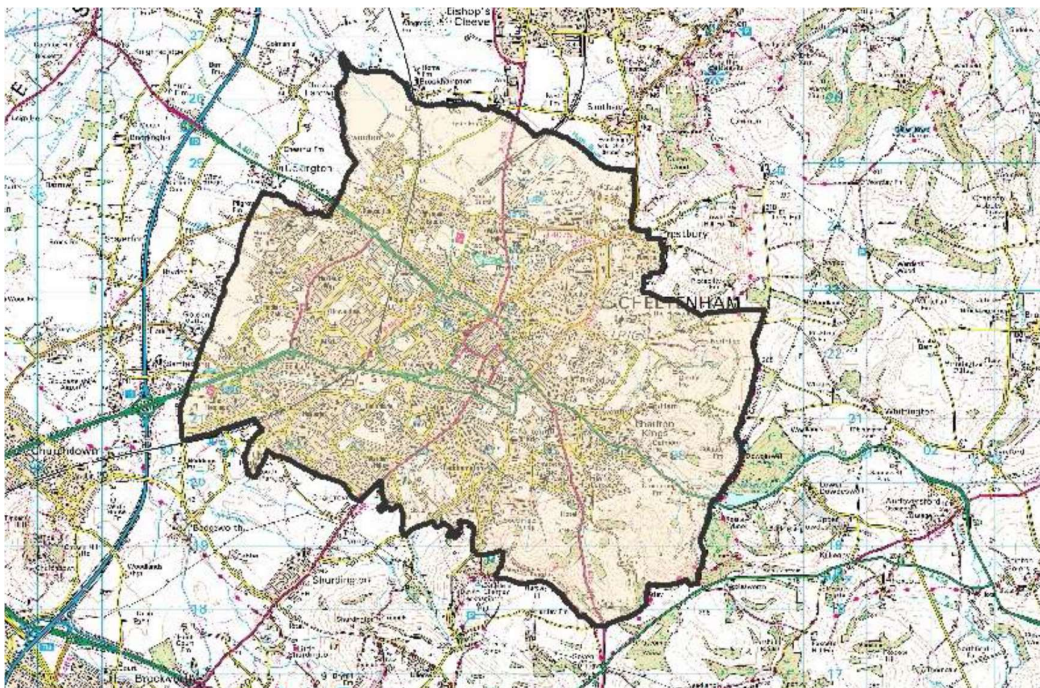
The Area

Until the late 1700s, Cheltenham was a small market town that became a fashionable resort after spa waters were discovered. Over the years it has attracted major employers and has gained a reputation for being an international festival town. This, together with its architectural heritage, educational facilities and quality environment, makes Cheltenham an attractive place to live, work and play.

The borough, which includes 5 parishes, has a population of approximately 119,000 who live in 20 wards. The borough is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares of which 17 % is designated as green belt and 22 % as an area of outstanding natural beauty.

Demography

The population is approximately 119,000, and these figures will continue to rise over the next 20 years.



3. Licensing Process - Making an Application

Premises Licences & Club Premises Certificates

- 3.1 The relevant application forms and associated documents are obtainable from the authority's website at www.cheltenham.gov.uk/licensing or from the licensing section during normal office hours.

The authority offers pre-application advice for certain licence application types. Review the authority's [pre-application advice](#).

The Operating Schedule

- 3.2 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The authority expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives.
- 3.3 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application.
- 3.4 Applicants are strongly recommended to discuss their operating schedules with the responsible authorities prior to submitting them.
- 3.5 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail.
- 3.6 Applicants will also be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
- 3.7 The operating schedule must be on the prescribed form and include a statement of the following:
- a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - b) The times during which the licensable activities will take place;
 - c) Any other times when the premises are to be open to the public;
 - d) Where the licence is only required for a limited period, that period;
 - e) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
 - f) Whether alcohol will be supplied for consumption on or off the premises or both; and

- g) The steps which the applicant proposes to promote the licensing objectives.

Guidance on Operating Schedule

- 3.8 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

a) Crime and Disorder

- 3.9 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective.
- 3.10 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

Considerations

- 3.11 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:
 - a) Underage drinking;
 - b) Drunkenness on premises;
 - c) Public drunkenness;
 - d) Drugs;
 - e) Hate crime
 - f) Violent or intimidating behaviour; and/or
 - g) Anti-social behaviour.
- 3.12 In making their decision, regard should be given to the levels of crime and disorder in and around the venue, the level of compliance with conditions on existing licences and any available evidence on crime and disorder issues.
- 3.13 Applicants are recommended to consult the Reducing Alcohol Related Violence Codes of Practice when considering their operating schedule.
- 3.14 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of crime and disorder.

b) Public Safety

- 3.15 The authority in its role as licensing authority must try to ensure the safety of people visiting and working in licensed premises. The authority will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes.

Consideration should be given to whether:

- a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
 - b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;
 - c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
 - d) patrons can arrive at and depart from the premises safely;
 - e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
 - f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services; and/or
 - g) the levels of compliance with conditions on existing licences relating to public safety.
- 3.16 The authority seeks to encourage the use of toughened glassware and polycarbonate where appropriate in licensed premises. Where a relevant representation is received the authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers and require the use of polycarbonate or other safer alternatives in order to promote public safety in licensed venues.
- 3.17 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for public safety.

c) Public Nuisance

Measures to limit nuisance

- 3.18 The authority will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises.
- 3.19 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.
- 3.20 Applicants will be expected to have included measures in their operating schedules that make adequate provision to:
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site;
 - b) limit the escape of noise from the premises or open air site;
 - c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping;
 - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it;
 - e) minimise and control noise from staff, contractors and suppliers and their activities;
 - f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers;
 - g) determine whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;
 - h) whether the premises are under or near to residential accommodation;
 - i) the hours of the sale of alcohol in open containers or food for consumption outside the premises;
 - j) measures to make sure that customers move away from outside premises when such sales cease;
 - k) measures to collect drinking vessels and crockery, cutlery and litter;
 - l) the extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking;

- m) whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).
 - n) adequate measures to prevent the following arising from the proposed licensable activity that may cause disturbance to people in the vicinity:
 - a. litter, smells, fumes, dust, smoke, or other emissions;
 - b. street fouling;
 - c. light pollution.
- 3.21 The role of the authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors.
- 3.22 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.
- 3.23 Where relevant representations are received, the authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The authority also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance.
- 3.24 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.
- 3.25 The 'smoke free public places' legislation in July 2007 has led to an increase in the number of people outside licensed venues. Where outside facilities are provided the authority expects applicants to provide details in their application of:
- a) the location of open air areas; and
 - b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public.
- 3.26 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste

management program to ensure that the area outside the premises is kept free of litter at all times.

- 3.27 Where the authority receives relevant representations, or where a responsible authority or an interested party seeks a review, the authority may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.
- 3.28 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies, provision of signs, publicity and dispersal policies.
- 3.29 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of public nuisance.

d) Protection of Children from Harm

- 3.30 The authority needs to satisfy itself that there are appropriate measures in place to protect children from harm.
- 3.31 To this extent it will expect applicants, where necessary, to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises.
- 3.32 These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:
 - a) the sale of alcohol;
 - b) children's performances; and
 - c) attractions or performances likely to attract children.
- 3.33 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Act are that unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" (eg "alcohol led" premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.
- 3.34 Issues for consideration include:
 - a) installing effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises;
 - b) exclusive or primary purpose of the services provided at the premises;

- c) accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance;
 - d) the hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises;
 - e) due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;
 - f) are there adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;
 - g) the likelihood of children being attracted to the premises by the nature of activities or facilities provided whether or not these are licensed;
 - h) is there evidence of heavy, binge or underage drinking on the premises;
 - i) if the premises commonly provides entertainment or services of an adult or sexual nature;
 - j) is there a strong element of gambling on the premises;
 - k) age restricted films are to be shown classified in accordance with the recommendations of the British Board of Film Classification;
 - l) the number of adults required for the supervision of children and the suitability and vetting of those adults to ensure they pose no risk to children.
- 3.35 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the protection of children of harm.

e) Plans

- 3.36 A plan must also be attached to an application for a premises licence or a club premises certificate. The plan should be at a scale of 1:100. The plans do not have to be professionally drawn, however, they must be to scale and contain the relevant information as required under regulation. The authority will accept plans of a scale other than 1:100, however this must be approved prior to submitting the application.

4. Determination of Applications

Decision Making Process

4.1 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation below:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to		If a police objection	All other cases

include alternative licence condition			
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

Unopposed Applications

- 4.2 If no relevant representations are received the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

Opposed Applications

- 4.3 Where relevant representations are made, and not withdrawn, the authority must hold a hearing before a licensing sub-committee who will take such of the following steps as it considers necessary for the promotion of the licensing objectives.
- 4.4 The steps are:
- a) to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) to refuse to specify a person in the licence as the premises supervisor;
 - d) to reject the application.

Representations

- 4.5 The authority has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made.
- 4.6 In brief "relevant representations" is the expression used in the Act for comments including objections on applications.
- 4.7 For a representation to be relevant it must:

- a) relate to the effect of the grant of the licence on the promotion of the licensing objectives;
- b) be made by a responsible authority or other persons;
- c) not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by other persons; or
- d) if it concerns the designated premises supervisor be made by a chief officer of police and include a statement explaining the reasons for the objection.

4.8 Representations can also be made in support of an application.

Appeals

- 4.9 Anyone aggrieved by a decision of the authority has a right of appeal. This is set out in schedule 5 of the Act.
- 4.10 The authority will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing sub-committee.
- 4.11 Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.

5. Temporary Event Notices (TENs)

5.1 A Temporary Event Notice (TEN) must be submitted to the Licensing Authority when a person wishes to provide licensable activities at an event and;

- the premises does not have the benefit of a Premises Licence or Club Premises Certificate, or
- the premises does not have an appropriate Premises Licence or Club Premises Certificate for the event, or
- they do not wish to use any existing Premises Licence or Club Premises Certificate for the event

There are two types of TEN applications.

A 'standard' Temporary Event Notice which must be submitted at least 10 clear working days before the event. The 10 working days does not include the day the Licensing Authority receive the Notice or the first day of the event.

A 'late' Temporary Event Notice which must be submitted 5 clear working days before the event, but no earlier than nine working days before the event and again this does not include the day the Licensing Authority receive the Notice or the first day of the event.

There are certain restrictions relating to a TEN which are set out in the Licensing Act 2003 as follows:

- You must be at least 18 years old to give notice for a TEN.
- You can only give notice for a TEN if you are an individual and not a business or other organisation.
- If you hold a personal licence you may give notice for up to 50 TENs per year, 10 of which may be late TENs.
- If you do not hold a personal licence you may give notice for up to 5 TENs per year, 2 of which may be late TENS.
- The number of times a TEN may be used for any particular premises is 15 times in a calendar year.
- The length of time a single event may last is 168 hours (7 consecutive days in total). If an event spans midnight, this will count as 2 days.
- The aggregated number of days covered by a TEN at any individual premises may not exceed 21 days.
- There must be at least 24 hours between a TEN at the same premises.
- The scale of the event in terms of the maximum number of people attending at any one time must not exceed 499 including staff and performers.

A calendar year for the purpose of the Temporary Event Notice restrictions and limits runs from 1st January until 31st December.

Where an event falls outside the limits as set out above, the premises user must apply for a premises licence.

Where a TEN has not been made electronically, the premises user must provide the TEN to the Licensing Authority, Environmental Health Team and the Police within the prescribed time limits. If the TEN has been submitted electronically, the Licensing Authority will provide a copy to the relevant Environmental Health Officer and the Police.

The Licensing Act 2003 uses the term 'given' but does not define 'given'. We consider the term to mean the date on which we as the Licensing Authority receive the TEN and not the date on which it was sent. If the premises user gives the TEN electronically, the date it is given is the next working day after the TEN is submitted electronically. We advise premises users to hand deliver notices if time is short, as we will not accept TENS received outside of the 5 working day restriction.

- 5.2 The Police and/or Environmental Health Team may object to a TEN if they believe that the event will undermine the four licensing objectives.

The Police or Environmental Health can agree with the premises users, to modify a standard TEN to enable the licensable activities to go ahead. This will only be permissible where all parties agree to the modifications.

Where the premises user has given a standard TEN and the parties cannot reach an agreement to modify the TEN, the Licensing Committee will determine as follows:

- Allow the event to proceed as stated within the notice
- Impose conditions that already apply to an existing premises licence at the premises
- Issue a counter notice to prevent the event going ahead.

- 5.3 If an objection has been received in-with regards to a late TEN (given less than five days before the event) this will be void and will not be able to be used. A Counter Notice will be issued by the Licensing Authority to cancel the TEN.

Where organisers are planning larger events, the expectation is that a premises licence will be applied for. However, there are occasions where organisers seek to divide an area of land (the premises) to create separate artificial premises for the purpose of licensing.

Where a premises user proposes to give more than one TEN for the same event, we will assess each TEN on its merits to determine whether using the TEN will undermine any of the licensing objectives. However, we will have regard to the fact that more than one TEN will be in use and we will consider the event to be a 'large event' and as such we expect the premises user to show that they have considered all elements, and additional information may be requested.

6. Personal Licences – New Applications

6.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a Premises Licence. Every Premises Licence that authorises the sale of alcohol must specify an individual who acts as the Designated Premises Supervisor (DPS). The DPS must hold a Personal Licence.

6.2 Applications for Personal Licences should be made to the Licensing Authority for the area where the applicant is ordinarily resident at the time they make their application.

6.3 The Licensing Authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) below:

- a. Applicants must be aged 18 or over
- b. Applicants must be entitled to work in the United Kingdom
- c. Applicants must possess a licensing qualification or is a person of a prescribed description
- d. Applicants must not have forfeited a personal licence in the five-year period prior to their application being made
- e. Applicants must not have been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty

6.4 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the Licensing Authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, they must within 14 days, give the Licensing Authority a notice to that effect.

6.5 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

6.6 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the Licensing Authority must grant the application.

6.7 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the crime prevention objective
- The objection notice given by the Police or Home Office
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence

- The sentence or penalty imposed on the applicant for the relevant offence
- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant.

6.8 If, having considered all of the circumstances, the Licensing Authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

6.9 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

7. Personal Licences – Suspension and Revocation

7.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued with effect from 6th April 2017.

7.2 When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Prior to 6 April 2017 only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions.

7.3 The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee.

7.4 The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.

7.5 If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

7.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. Before deciding whether to revoke or suspend the licence the Licensing Authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the Licensing Authority is aware, and any other information which the Licensing Authority considers relevant.

7.7 The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing Authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the Licensing Authority to come to its own decision regarding the licence.

7.8 If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the Licensing Authority.

7.9 Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.

7.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.

7.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

7.12 In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence.

7.13 The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

7.14 If the personal licence holder is a DPS, the Licensing Authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

7.15 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

8. Integrating Strategies & Specific Policies

- 8.1 The authority has ~~established a good~~ [a proven](#) track record of partnership work and will continue to work in partnership with the police, local residents, businesses, licensees, communities and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all. [The authority has a committed set of Councillors who join in the partnership work.](#)
- 8.2 In particular, Cheltenham has an [award-winning](#) vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors, some travelling considerable distances to enjoy what the late-night economy has to offer.
- 8.3 Although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the authority, police and other partners to deal with associated crime, disorder and other anti-social behaviour.
- 8.4 Although the challenges associated with the supply of alcohol are more prevalent during the night-time economy, there are nonetheless also challenges during other times of the days.
- 8.5 In addressing these challenges, the authority will continue to work with partners in particular the licensed trade, licensing enforcement, the police, the environmental protection team, community safety partnerships, Gloucestershire fire service and planning enforcement.

Encouraging Diversity in the Night-Time Economy that is Less Focused on Alcohol

- 8.6 Cheltenham has an [award-winning](#) vibrant night-time economy that far exceeds other towns of similar sizes. It is recognised that the night-time economy plays an important part in creating a vibrant and sustainable economy but this must be balanced with the ambition to expand the offer for leisure, tourism and business by providing an attractive offer for all ages and religious groups.
- 8.7 To this end, the authority will explore and support opportunities to increase events, activities and businesses which are not necessarily alcohol led which are more socially inclusive and drive the economy.

Designated Area of Concern

- 8.8 There are areas of the borough where the evidence does not suggest that they should be designated as Cumulative Impact Areas but which will require

regular review to establish whether the concentration of licensed premises are considered to have begun to cause cumulative impact on one or more of the licensing objectives.

- 8.9 The authority has identified the town centre (Appendix D) as being an area of concern in that it is susceptible to alcohol related crime, alcohol hospital admissions and nuisance arising from or caused by the customers of licensed premises.
- 8.10 The authority will monitor the number of licensed premises in the designated area and any risk factors that may indicate that the area is reaching a point when a cumulative impact is likely or imminent.
- 8.11 The designated area of concern will also provide the authority and its partners an opportunity to put measures in place to address the concerns highlighted.

Joint Core Strategy and other planning policies

- 8.12 There are a number of key planning policies that sets out a shared vision and proposes where future developments in the borough are located.
- 8.13 It is noted that the statutory guidance states: "The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs."

Public Spaces Protection Order (PSPO)

- 8.14 The authority has adopted a Public Spaces Protection Order to control and regulate the public consumption of alcohol in Cheltenham.
- 8.15 The PSPO creates an offence for any person to disregard the instruction of a Police Officer, Police Community Support Officer or authorised officer of the authority to stop consuming alcohol in a designated public place.
- 8.16 An offence under the adopted PSPO can be discharged through the payment of a fixed penalty notice or a prosecution.

Management of Licensed Premises

- 8.17 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management of those activities and

the premises generally.

- 8.18 The authority will encourage everybody involved in providing or are involved in licensable activities, to consider what skills and competencies are appropriate in the safe delivery of regulated activities and secure these. This applies to managers, musicians, door staff, bar staff, performers and contractors as well as everyone associated with the activities.
- 8.19 Good management also extends to the appropriate advertising of events and premises users and licensees are expected to control advertising content as part of their role.
- 8.20 The authority undertakes proactive risk based inspections of all licensed premises to ensure that they are managed properly. Premises that consistently fail inspections may be subject to a licence review or other enforcement action.

Designated Premises Supervisor (DPS)

- 8.21 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of a community premises)
- 8.22 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times. During times the DPS is not present on site, the authority recommends that written delegation of duties are drawn up to ensure staff and regulators are clear about who is authorised to sell alcohol.
- 8.23 The authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The authority expects that this will be in excess of 50% of a 7-day week.
- 8.24 There can only be one appointed DPS specified on the premises licence. However, there can be more than one personal licence holder within the business and this is recommended to demonstrate a good understanding of how to work within the licensed trade.
- 8.25 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 8.26 Within all licensed premises, whether or not alcohol is to be sold, the authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed

persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

Nightsafe

- 8.27 The borough-wide Nightsafe network encourage its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the authority, the police and other responsible authorities. The authority actively supports the scheme and is keen to support the development of more schemes where there is a demand.
- 8.28 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in the town. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 8.29 The Nightsafe scheme in Cheltenham is delivered as part of Gloucestershire Safe scheme www.gloucestershiresafe.co.uk/

~~Best Bar None~~

- ~~8.30 — Best Bar None (BBN) is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night time economy, with premises now competing to participate.~~

~~The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities. The authority will actively encourage licensed premises to sign up to the BBN scheme.~~

Evening and Night-Time Economy (ENTE) Strategy and Purple Flag accreditation

- 8.30 In 2025, Cheltenham was awarded the Purple Flag accreditation for the 10th year running. This recognises Cheltenham as a safe and thriving evening and night-time destination.
- 8.31 The ENTE strategy sets out how we will maintain this status and how Cheltenham will measure its success. 2025 will see the strategy reviewed and set by all stakeholders for the next three year period.
- ~~8.318.32~~ There is an aspiration to develop a Charter for all ENTE premises to sign up to demonstrating their commitment to offering a safe venue. Further information will be provided in 2026 when this work is completed by the ENTE working group.

Woman's Safety and Wider Vulnerability

8-328.33 It is a fundamental right that women should live without fear. We are committed to tackling male violence, intimidation and abuse against women and girls and we strive to foster an environment amongst our Licensed Premises ~~to that~~ ensure ~~that everyone all women~~ feels safe whether they are workers, local residents or visitors to the borough.

8-338.34 The safety of ~~everynewomen~~ within the evening and night-time economy is crucial, as often the nighttime can pose a risk of harassment, unwelcome situations and a feeling of vulnerability. Cheltenham's ~~ENTE Chartertown-centre-pledge~~ aims to create a safer town so that ~~everynewomen-and-girls~~ always feels welcome, confident and ultimately safe.

8-348.35 By signing the ~~Charterpledge~~, you are recognising women have the right to enjoy our licensed premises and that they should feel safe and respected when doing so. This shows that you, as an operator, are committed to improving women's safety across our borough.

8-358.36 As a licensed premises, establishing clear policies and staff training can create a more secure atmosphere and implementing simple measures such as well-lit entrances and exits and having visible security can enhance overall safety and comfort for women in social spaces.

Staff training

8-368.37 By providing staff training which focuses on increasing the skills, knowledge and confidence to identify vulnerability and what the appropriate interventions should be.

8-378.38 We encourage regular refresher training sessions to stay updated on best practices, emerging issues and campaigns relating to the promotion of women and vulnerable people's safety and wellbeing.

Women's safety policy

8-388.39 We advise developing a bespoke women's safety policy for your premises. This can be a useful tool to establish clear guidelines and expectations on how you and your staff will manage any situations that may occur.

8-398.40 It should provide a framework for reporting incidents and ensuring appropriate actions are taken. Where you have implemented a policy, all staff should be made aware and trained on the same to promote accountability.

8-408.41 Policies should be regularly reviewed to guarantee they remain relevant and effective. Changes should be made based on feedback, incident reports, and emerging safety trends.

Safe Space

8-418.42 A safe space within your premises can be used by customers if they feel uncomfortable or threatened. The area should be secure and monitored by appropriate security personnel. All staff should be aware of where these areas are located within the premises.

8-428.43 Safe Spaces or Safe Havens are key for where you have adopted such schemes as 'Ask for Angela' where a woman or vulnerable person can make a discreet signal by asking for Angela, to alert staff if they are in danger or need help removing themselves from a situation.

'Ask for Angela' scheme

8-438.44 Cheltenham Borough Council actively supports the scheme and promotes the scheme as good practice for all licensed venues.

8.448.45 Information and resources on the 'Ask for Angela' scheme
www.askforangela.co.uk/

Drink spiking

8.458.46 As a licensed premises, suitable measures should be taken to prevent incidents of spiking. In November 2024 the Government announced that spiking will become a new criminal offence, and thousands of staff working in the night-time economy will also receive training on how to spot and tackle spiking.

The following are examples within the range of behaviours that would be considered spiking:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting drugs into an alcoholic or non-alcoholic drink without their knowledge or permission

Premises must ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is helpful to the police if staff: obtain full details of the affected person reporting the incident, including a description of what they are wearing; a description of the suspected perpetrator, if known, including clothing; an approximate time of the incident and the location within the premises where they believe it occurred; can secure the drinking vessel(s) that is suspected as containing the 'spiked drink' so this can be tested at a later time; and can seize any drinking vessel that the suspect may have been using.

Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer.

Ensure appropriate training is provided to relevant members of staff.

Literature is available from Gloucestershire Police.

Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.

Consider providing information (such as posters) regarding drink spiking in the premises.

Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits **are** available.

Where bottles of alcohol are purchased from the bar and left unsupervised at tables, suitable steps should be taken to ensure this doesn't pose an additional risk as a result of free pouring or putting alcohol into someone's drink without their knowledge or permission. This could lead to an increased vulnerability particularly to women.

Safeguarding Concerns

8.468.47 [Cheltenham Borough Council is committed to working with the Gloucestershire Safeguarding Children's Partnership \(GSCP\) and Gloucestershire Safeguarding Adults Board \(GSAB\) to ensure that the reporting of any criminal exploitation of children and vulnerable adults follows the agreed procedure. Details of how to report will be published on the](#)

[Council's website](#) and an understanding of this will be included as a requirement in the Charter - [Martyn's Law](#)

8.48 [Where appropriate applicants and licence holders, that fall within the scope of Martyn's Law, are encouraged to consider and prepare for the requirements of new legislation once they come into force.](#)
[Martyn's law is the name used for The Terrorism \(Protection of Premises\) Act 2025 which received Royal Assent on 3 April 2025. The Act was driven forward by campaigning following the Manchester Arena bombing. The Act's aims are to improve protective security and organisational preparedness across the UK by requiring that those responsible for certain premises and events consider how they would respond to a terrorist attack. The Government intends for there to be an implementation period of at least 24 months before the Act comes into force. The enforcing body will be the Security Industry Authority Martyn's Law Factsheet – Home Office in the media'.](#)

Sexual Entertainment

8.478.49 The authority has adopted the amended provisions of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 ('the 2009 Act') with respect to "relevant entertainment", that is:

- a) any live performance; or
- b) any live display of nudity.

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

8.488.50 The adopted provisions came into effect on the 1st of December 2010 in Cheltenham.

8.498.51 Any premises that want to offer relevant entertainment on a regular basis, that is more frequent than 24 hours once a month on no more 11 occasions a year, can no longer offer this under the provisions of the Act as a result of the abovementioned adoption. These premises must apply for a Sexual Entertainment Venue (SEV) licence.

8.508.52 Premises that want to offer relevant entertainment on an irregular basis can still do so under the provisions of the Act. These premises must be authorised for the performance of dance and the performance of recorded music.

8.518.53 The Government has seen it fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime ~~and~~ disorder and an inability of regulatory bodies to respond accordingly.

8-528.54 Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an exempt sexual entertainment code of practice outlined in its adopted SEV policy. The intention of the code of practice is to promote responsible and properly managed exempt sexual entertainment. The authority expects any premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.

Core Hours for Licensable Activities

8-538.55 The authority will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and consideration of each application is on its own merit.

8-548.56 The authority believes that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives, address the concerns raised by local residents and businesses and are less likely to attract representations.

8-558.57 Furthermore, earlier closing will result in less alcohol consumption and drunkenness and would also be consistent with the ability to get crowds dispersed from the town centre.

Table 1: Core Hours for Licensable Activities

Type of premises	Commencement hour no earlier than	Terminal hour no later than
Off licence	09:00	23:00
Restaurants	10:00	01:00
Theatres, cinemas and other performance venues	10:00	00:00
Pubs/Bars/Nightclubs	<u>Town centre</u> ¹ 10:00	03:00
	<u>Local Neighbourhood Areas</u> 10:00	00:00
Takeaways	23:00	04:00

8-568.58 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:

- a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.

¹ As defined in Appendix D.

- b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
- c) Potential noise and nuisance from people leaving and entering the premises.
- d) Ability to demonstrate that systems are in place to ensure timely dispersal of customers away from residential areas.
- e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter and other pollution of the streets by customers.

8-578.59 The hours of existing licensed premises will remain unchanged unless there are good reasons, based on the licensing objectives, for restricting these hours, and then they can be changed by a licensing sub-committee following a review of the premises licence.

Latest Admission Times

8-588.60 The authority considers it undesirable that persons should seek to 'top up' their alcohol intake by seeking out those premises that are admitting customers at the latest times because persons moving between venues late at night can lead to crime, disorder and public nuisance.

8-598.61 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities which will assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

8-608.62 It is therefore this council's policy that the latest admission time, for licences premises open past midnight, to be no less than:

- a) one hour for nightclubs & late-night bars; and

b) half an hour for pubs and other licensed premises

before the terminal hour for licensable activities.

Takeaway/~~Late--Night Refreshment~~ food Premises

~~8-648.63~~ It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there.

~~8-628.64~~ As such the authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises.

~~8-638.65~~ Applicants for licences are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways.

~~8-648.66~~ The authority will normally require licensed premises principally used for selling hot food for consumption off the premises to have suitable CCTV installed and may impose a requirement to employ SIA doormen where such a requirement is deemed necessary.

~~8-658.67~~ Operators (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises.

~~8.68~~ Where the authority considers it appropriate, it may impose conditions on a premises licence to require the operators of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers.

~~8-668.69~~ As late--night refreshment premises can attract children, and those that exploit them, it is recommended that late--night refreshment premises carry out annual safeguarding training for all staff to recognise signs of child exploitation and safeguarding concerns and that this is recorded.

Pavement Cafes and External Areas

~~8-678.70~~ The authority wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town.

~~8-688.71~~ Whilst the provision of tables and chairs outside a premises can enhance the attractiveness of a venue, regard should be had to the need to

ensure that the use of such areas will not cause nuisance to local residents and other premises in the vicinity. To this end, the authority will normally restrict the use of external areas to 23:00.

~~8.698.72~~ Premises that make use of external areas are expected to manage those areas in such a way that its use does not impede access to the premises, obstruct the highway and does not cause disturbance.

~~8.708.73~~ In particular the authority will expect premises to provide ash trays or wall mounted cigarette bins for patrons, be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas.

~~8.718.74~~ Businesses are reminded that outside areas may require a Pavement Licence and these should be applied for separately. Further advice can be obtained from the [Council's website](#).

On and Off Sales

~~8.728.75~~ There are two different types of permissions for alcohol sales. On and off sales.

~~8.738.76~~ On sales describes a premises where [alcohol](#) is consumed at the [point of sale](#), such as a [pub](#), bar, [nightclub](#) or café.

~~8.748.77~~ Off sales describes a premises that is licensed to sell [alcoholic beverages](#) for consumption off the premises, as opposed to a [bar](#) or [public house](#), which is licensed for consumption at the [point of sale](#) (on sales).

~~8.758.78~~ Off-licences typically are specialist shops, [convenience stores](#), parts of [supermarkets](#) and attached to bars and pubs. Prices are usually substantially lower than in bars or pubs.

~~8.76~~ Premises can apply for both on and off sales if they wish to carry out both types of alcohol sales. This could cover, for example, a pub or a restaurant where customers can consume alcohol on the premises and also be able to purchase alcohol to take away from the ~~premises~~.

Promoting Safe Drinking Limits

Irresponsible Drinks Promotions and Drunkenness on Premises

~~8.778.79~~ Low-cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. Through this policy the authority would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing controls on drinks promotions to deal with localised problems.

8.788.80 However, the authority would prefer an approach whereby it, along with the licensed trade and other partners, are able to promote responsible retailing of alcohol instead of having to deal with the effects of irresponsible drinks promotions and drunkenness.

Code of Good Practice for Drinks Promotions

8.798.81 It is a known fact that the price of alcohol does have an effect on the amount people consume. It is also the case that people are more attracted to premises that offer low-cost alcohol and low cost alcohol is likely to cause people to consume more alcohol than they would normally have done. Both of these situations can lead to crime, disorder and public nuisance issues.

8.808.82 The authority does not wish to unnecessarily impose operational restrictions and freedoms on licensed premises. It would therefore like to encourage a voluntary code of good practice in relation to drinks promotions and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions.

8.818.83 To this end, the authority will encourage all licence holders to apply the following principles in relation to any drinks promotions:

Principle
Align pricing with Alcohol by Volume (ABV).
Start the sale of alcohol later in the day and not align it purely with opening hours.
Refrain from all-inclusive offers.
Promotional information should clearly display: <ul style="list-style-type: none"> - Factual information on the alcoholic strength of a drink(s); - That no-one under the age of 18 years may take part in the promotion; - display Drink Aware logo/information.
Promotions should not: <ul style="list-style-type: none"> - focus on the strength of any alcohol product as the principle theme; - condone or encourage illegal, excessive or irresponsible drinking (such as binge-drinking, drunkenness or drink-driving);

<ul style="list-style-type: none"> - refer in any favourable manner to the effects of intoxication or consumption; - suggest that alcohol consumption enhances sexual attractiveness or include promotion material that is linked to sexual imagery implying sexual success or prowess.
Restrict multi buy promotions.
No advertisements for alcohol in the shop window.
Alcohol should not be given away for free as part of a promotion or as an incentive.
Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
Make food and hot drinks available in late venues.

Shops Selling Alcohol (Off Licences)

8-828.84 There has been a trend towards more alcohol being purchased from shops and consumed at home and less being purchased and consumed in traditional pubs, restaurants and night clubs than used to be the case in the past. The growing practice of “pre-loading” has the potential to create specific problems and detriment to the licensing objectives *including the increased potential for underage and proxy sales which is detrimental to the protection of children from harm.*

8-838.85 Furthermore, the availability of alcohol for consumption off the premises has the potential to cause other problems that include ease of access to alcohol by children, ease of thefts, encouragement of street drinking, and increase of crime and disorder and public nuisance.

8-848.86 There are a number of ways in which licence holders and the authority can address these concerns.

Hours of Operation

8-858.87 See Table 1: Core Hours for Licensable Activities on page 27.

Layout and Operation of Premises

8-868.88 In most cases a licence holder will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises.

8-878.89 The authority will encourage all licence holders licensed for off sales to:

- a) Store high strength alcohol behind the shop counter;
- b) Not store or display any alcohol at the entrance/exit points of the premises;
- c) Not advertise alcohol in a shop window;
- d) Not sell single cans of beer or bottles of beer under 1 litre;
- e) Not sell beer or cider over 5.5% ABV;
- f) Not store or display any alcohol at or near check-outs; and
- g) Refuse to sell alcohol to persons known to be persistent offenders (where the offence(s) relates/associated with alcohol) or street drinkers.

Licence Conditions & Reviews

8-888.90 Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing appropriate restrictions on a licence. This may include, although not limited to, restricting the hours for licensable activities, restricting the sale of alcoholic beverages over a specified limit of alcohol by volume and/or of specified quantities.

Late night refreshment exemptions based on designated locations, premises types and times

8-898.91 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.

8-908.92 This authority has not resolved to exempt premises from the requirement to have a licence to provide late night refreshment.

9. Film Classifications

- 9.1 The authority has a statutory obligation to classify films for public screening. The British Board of Film Classification (BBFC) is the nominated body that classifies films to be exhibited in cinemas on behalf of Licensing Authorities. Films that have not been classified by the BBFC and are to be screened in the borough must be submitted to the authority for classification.
- 9.2 All requests to classify a film must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format. Requests shall be assessed by officers of the authority against the BBFC guidelines and the licensing objectives. Officers shall view the entire film and make a recommendation with regards to the appropriate classification. Officers do however reserve the right to refer the classification of a film to a licensing sub-committee in instances deemed necessary.
- 9.3 All requests must be submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the authority being unable to classify the film.

10. Events on Council Land

- 10.1 The authority wants to encourage cultural and community events in the borough but at the same time also protect the quality of life for residents.
- 10.2 In accordance with the provisions of the Act, the authority has made applications and been granted premises licences for areas of public land.
- 10.3 Persons wishing to carry on licensable activities on licensed public land will not be required to obtain a premises licence or give a temporary event notice themselves but must seek permission from the authority to use the premises licence to put on their event unless the nature of the event is such that it does not fall within the terms of the licence.
- 10.4 The authority has an adopted process for considering requests for events to be held on public land. In the first instance, persons wishing to use council land for an event must complete and submit an [application form](#).
- 10.5 In addition, a Safety Advisory Group (SAG) may be established in order to consider any safety issues related to an event. The event organiser must produce an event plan and must incorporate an operating schedule, risk assessments and address any safety issues before the authority allows the use of its licence.

11. Enforcement

- 11.1 In terms of regulation, our aim is to target those premises which are causing problems within our communities whilst supporting well managed premises and community activities, which provide worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises associated with disorder, threaten public safety, generate public nuisance, or threaten the wellbeing of children will be targeted for enforcement action.
- 11.2 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 11.3 The authority will monitor compliance with the licensing objectives through a programme of inspection visits. The proactive inspection visits are risk based so that those premises that are at a higher risk of adversely affecting the licensing objectives are more frequently inspected.
- 11.4 The authority will also establish enforcement protocols with the police and other enforcement agencies to ensure efficient and targeted joint enforcement is undertaken on a regular basis.
- 11.5 This does not prevent action being taken by any individual authority at any time should offences become apparent.
- 11.6 The authority will take in to account its adopted corporate enforcement policy when deciding what appropriate action to take.

Reviews

- 11.7 At any stage, following the grant of a premises licence, a responsible authority, or other person, may ask the authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.8 In every case, the application for review must relate to particular premises for which a licence is in existence and must be relevant to the promotion of the licensing objectives.
- 11.9 The necessary forms and documents are available from the authority's website at <http://www.cheltenham.gov.uk/licensing> or from the licensing section during normal office hours.

Suspension of Licences and Certificates for Non-Payment of Annual Fees

- 11.10 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises

Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

- 11.11 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 11.12 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 11.13 A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.
- 11.14 Once payment has been received a written acknowledgement will be given to the licence or certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.
- 11.15 Premises licence holders will receive the following invoices:
 - Initial invoice 2 weeks before annual fee due date
 - First reminder on annual fee due date
 - Final reminder 2 weeks after annual fee due date
 - Premises licence or club premises certificate will be suspended 21 days after annual fee due date if payment is not received

Appendix A –Consultees

This document has been developed by the authority in consultation with representatives of the following key stakeholder groups and organisations:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH);
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

Appendix B – Responsible Authorities

Gloucestershire Constabulary

Licensing Unit,
No 1 Waterwells, Waterwells Drive,
Quedgeley
Gloucester
GL2 2AN

Switchboard: 101

Email: licensing@gloucestershire.police.uk

Gloucestershire Fire and Rescue Service

Service Delivery Support
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Tel: 01452 753333

Email: fire.safety@glosfire.gov.uk

Pollution Prevention

Environmental Protection
Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: EnvHealth@cheltenham.gov.uk

Health and Safety Enforcement

Where the local authority is the enforcing authority

Cheltenham Borough Council
Health and Safety – Environmental Health
Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: EnvHealth@cheltenham.gov.uk

Where the HSE is the enforcing authority

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
BRISTOL
BS1 1ND

Telephone: 0117 988 6000

Fax: 0117 926 2998

Email: (i) For service employment e.g. Central and Local Government, NHS etc. the contact is paula.johnson@hse.gsi.gov.uk

(ii) For other employment e.g. manufacture and repair, agriculture, transport, the contact is nigel.chambers@hse.gsi.gov.uk

Local Planning Authority

Planning Enforcement
Built Environment Division
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Tel 01242 264138

Email: planning@cheltenham.gov.uk

Child Protection

[The Gloucestershire Safeguarding Children's Partnership \(GSCP\) has formally identified Gloucestershire Constabulary \(Police\) and Public Health as the Responsible Authorities, given their roles as principal safeguarding partners to undertake this role.](#)

[Gloucestershire Safeguarding Children Board](#)
[Block 4, 1st Floor, Room 133B,](#)
[Shire Hall,](#)
[Westgate Street,](#)
[Gloucester,](#)
[GL1 2TH](#)

[Tel: 01452 583629](tel:01452-583629)

[Email: gscb@gloucestershire.gov.uk](mailto:gscb@gloucestershire.gov.uk)

Trading Standards

Gloucestershire County Council, Trading Standards,
Hillfield House
Denmark Road
Gloucester
GL1 3LD

Tel: 01452 426201

Email: tradstds@gloucestershire.gov.uk

Responsible Authority for Health

Public Health Department
Block 4, 2nd Floor
Gloucestershire County Council
Shire Hall, Westgate Street, Gloucester GL1 2TG

Tel: 01452 328699

Email: publichealth@gloucestershire.gov.uk

Cheltenham Borough Council Licensing

Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: licensing@cheltenham.gov.uk

Home Office Immigration Enforcement

[Home Office](#)
[Immigration Enforcement](#)
[Licensing Compliance Team \(LCT\)](#)
[Ruskin Square](#)
[Dingwall Road](#)
[Croydon](#)
[CR0 2WF](#)

Email: IE.licensing.applications@homeoffice.gov.ukalcohol@homeoffice.gov.uk

Appendix C – Pool of Model Conditions

Introduction

The conditions shall not be regarded as “standard conditions” which are to be automatically imposed on premises licences and certificates in all cases. The following are designed to provide a range of possible conditions which may need to be attached to premises licences or club premises certificates, depending upon differing situations.

All conditions attached to a premises licence and club premises certificate must be appropriate and proportionate to the application received.

The wording of the conditions may need to be modified to suit a particular premise and/or situation.

This is not an exhaustive or exclusive list of conditions.

Additional conditions may be drafted and attached to such licences and certificates to meet individual circumstances, both by the applicant in question, any responsible authority, or the Licensing Authority as deemed appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or a competent person nominated by the designated premises supervisor’.

C&D – The Prevention of Crime & Disorder | **PN** – The Prevention of Public Nuisance | **CP** – Protection of Children from Harm | **PS** – Public Safety

Reference	Model Condition	Primary Licensing Objective*
Sale of Alcohol		
	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.	C&D CP
	No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.	C&D CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP

	No more than x% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.	C&D CP
	Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.	C&D CP
	Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.	C&D
	Alcohol may only be sold to persons having a table meal or those waiting to be seated prior to having a table meal.	C&D
	Alcohol shall be sold to customers by waiter/waitress service only.	C&D
	There shall be no sales of alcohol for consumption off the premises.	C&D CP
	Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.	C&D PN
	Any alcohol supplied for consumption off the premises must be in a sealed container.	C&D
	Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is authorised for sale.	C&D
Management of the Premises		
	A 'Winding-down and Dispersal' policy shall be adopted that includes measures to achieve a gradual and orderly dispersal of customers at the end of the trading session. These measures shall commence at least 15 minutes before the bar closes, and shall include slowing down the tempo of music, a significant reduction in the volume of music and announcements requesting customers to leave the premises quietly and respect the peace and quiet of the local residents.	C&D PN
	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.	C&D PN

	The Designated Premises Supervisor or premises license holder shall bring the contents of the licence and licence conditions to the attention of all door supervisors and other staff employed at the premises.	C&D PN CP PS
CCTV		
	A CCTV system consisting of a minimum of x cameras shall be installed at the premises. The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to officers of the authority, Trading Standards or Police on request.	C&D
	A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.	C&D
	No alcohol shall be sold if the CCTV equipment is inoperative for any reason.	C&D CP
Radios		
	<p>The premises licence holder shall join the Night Safe radio scheme or any similar scheme operating in the town and ensure that:</p> <ul style="list-style-type: none"> • The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period; • The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public; • Any police instructions/directions are complied with whenever given; and • All instances of crime and disorder are reported via the communication equipment by 	C&D

	the designated premises supervisor or a responsible member of staff to an agreed police contact point.	
Best Practice Scheme		
	The Designated Premises Supervisor shall maintain an active membership of the Night Safe (or successor 'pubwatch') including operation of the Nightsafe radio link.	C&D
Door Supervisors		
	A minimum of x SIA licensed door supervisor shall be on duty at the premises at all times whilst it is open to the public [or after xx.xx / until the last admission time for the public] .	C&D
	If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.	C&D
	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.	C&D
	Where door supervisors are required the premises licence holder [or Designated Premises Supervisor] shall keep records showing the names of the supervisor, their SIA badge number & expiry date, and the date/time that they were employed. A copy should be available immediately upon request to an authorised officer of Gloucestershire Constabulary or the authority.	C&D CP
	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.	C&D
	For a period of 30 minutes following the closure of the Bar, or until all customers have dispersed from the immediate vicinity if longer, there shall be a minimum of x door supervisors on the street outside the premises wearing high-visibility clothing to ensure the safe, orderly and quiet dispersal of customers in the immediate vicinity.	C&D PN

Hours		
	Consumption of alcohol shall cease x minutes after the time authorised for its sale or supply/provision of licensable activities.	C&D PN
Entry to Premises		
	No public access to the premises shall occur through the [specify doors/area]. This condition shall not restrict the use of the doors in the event of an emergency.	C&D CP PS
	There shall be no entry or re-entry, other than staff members, to the premises after xx.xx save for customers using the agreed smoking area at the premises.	C&D PN
	On occasions where licensable activities are carried on past xx:xx hours, admission of customers will be restricted to [enter restriction e.g. a particular entrance, a particular area of the licensed premises etc].	C&D
	In relation to the specified function room there shall be no admission after x other than to: (1) residents of the hotel and their bona fide guests; or (2) persons attending the pre-booked function	C&D
	All functions in the <i>specified function room</i> shall be pre-booked or ticketed events.	C&D PN
	No events solely for those under 18 will be permitted on the premises.	C&D CP
	The rules of admission to the premises shall be clearly and prominently displayed at each entrance to the Premises.	C&D CP
Alcoholic Containers		
	No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.	C&D PS

	No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.	C&D
	The premises licence holder/designated premises supervisor shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [red] on the plan forming part of the premises licence.	C&D PN
	The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.	C&D
	There shall be no sale of alcohol in unsealed containers for consumption off the premises.	C&D
Notices/Signage		
	The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	C&D PN
	The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	CP
Drugs		
	The Designated Premises Supervisor shall complete/attend a recognised 'drug awareness' training course [within **** weeks/by **** date, or the DPS shall have completed/attended such training].	C&D
	Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.	C&D
	Any person found with illegal drugs must be reported to a Police officer immediately.	C&D
	Whilst licensable activities are taking place, the toilets at the Premises must be checked at least hourly for	C&D

	illegal drug use or supply. A written log of all checks must be kept at the Premises for at 31 days and made available for immediate inspection on the request of an authorised officer of Gloucestershire Constabulary or the Licensing Authority.	
Promotions		
	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.	C&D
	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.	C&D
	28 days' notice shall be given to Gloucestershire Constabulary and the licensing authority of any events held which are organised by an outside promoter, including full details of the nature of the event and of the promoter.	C&D
Records		
	<p>An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the authority. The log will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • all ejections of customers • any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity] • seizures of drugs or offensive weapons • any faults in the CCTV system or searching equipment or scanning equipment • any refusal of the sale of alcohol during the hours the premises is licensed to sell it 	C&D
Premises Layout		

	<p>The following alcoholic beverages shall be placed behind a staffed counter:</p> <ul style="list-style-type: none"> • mixed alcoholic beverages under 10% a.b.v. • beers or ciders over 5.5% a.b.v.; and • all spirits in bottles less than 70cl. 	C&D CP
	At least x members of staff shall be on duty on the shop floor between **** hours until closing time.	C&D
	The physical location of alcohol displays shall be in an area within sight of staff as identified on the plan of the premises annexed to the licence.	C&D CP
	The XX area shall be designated as a “chill-out” area whilst music and dancing are permitted on the premises which shall include adequate ventilation or fresh air; ready access to free drinking water; suitable seating accommodation; and access to First Aid facilities	C&D
	Seating for no less than [specify number] persons shall be provided in the premises at all times the premises are [specify “open” or “are providing any licensable activity”].	C&D
Use of Outdoor Area		
	The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.	C&D PN
	Customers will not be permitted to drink outside the premises save for in any seated area authorised under a pavement licence.	C&D PN
Disabled People		
	The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.	PS
First Aid		
	The premises licence holder shall ensure that an adequate and appropriate supply of first aid	PS

	equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.	
	The Licensee shall ensure that at all times when the public is present there is at least one competent person able to administer First Aid, that an adequate and appropriate supply of First Aid equipment and materials is available on the Premises and that adequate records are maintained in relation to the supply of any First Aid treatment.	PS
Lighting		
	The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.	C&D PS
Special Effects		
	Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff.	PS
	<p>The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:</p> <ul style="list-style-type: none"> • dry ice machines and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • real flame • fire arms • motor vehicles • strobe lighting • lasers • explosives and highly flammable substances 	PS
	These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.	PS

	All escape routes and exits shall be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.	PS
	All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the checks shall be kept on the premises.	PS
Noise Nuisance (regulated entertainment)		
	The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.	PN
	A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.	PN
	Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.	PN
	Loudspeakers shall not be located in the entrance lobby, [or specify another location if appropriate] or outside the premises.	PN
	Live music shall be provided by no more than two (2) performers on any day.	PN
	After 23:00 hours all windows shall be closed and remain closed.	C&D PN
	Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.	C&D PN
	Where any regulated entertainment occurs at the premises, the Designated Premises Supervisor, or a	PN

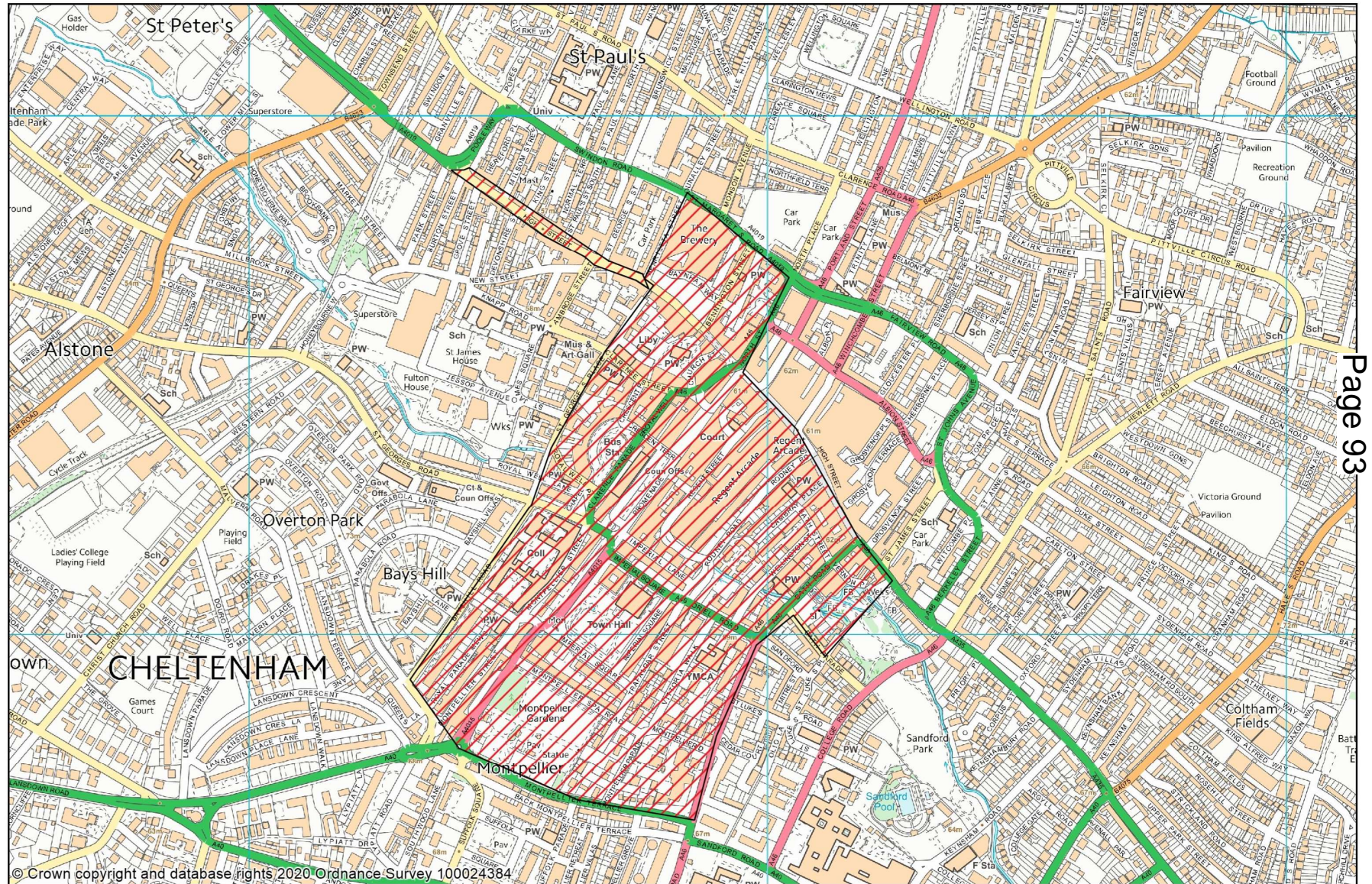
	person nominated by them, will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises.	
Noise Nuisance (people)		
	Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.	PN
	The premises licence holder shall monitor the activity of persons leaving the premises [after xx:xx/are closed to the public] and remind them of their public responsibilities where necessary.	PN
	Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.	C&D PN
	Deliveries to the premises shall only be made between **:** hours and **:** hours on Mondays to Saturdays only.	PN
	The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.	PN
Lighting		
	Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.	PN

Open Spaces		
	The area within which alcohol is served or consumed shall be clearly and effectively delineated using barriers, ropes, or similar so that the extent of the Designated Place where the licensable activity is temporarily permitted shall be clearly defined and notices shall be conspicuously placed in the area.	C&D PN
	Music noise levels from outdoor regulated entertainment must not exceed those defined in the Code of Practice on Environmental Noise Control at Concerts' (The Noise Council 1995 ISBN 0 900103 51	PN
	Use of the outdoor area will cease at 23:00 everyday.	PN
Other Nuisance		
	A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.	PN
	The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.	C&D PN
Litter		
	At the termination of business on each day the outside area immediately to the front of and adjacent to the premises shall be cleared of debris and litter.	PN
Other		
	In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.	CP
	A Challenge [21/25/or any other suitable age] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/ or any other suitable age] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved	CP

	proof of age card, UK passport or a UK photographic driving licence.	
	Challenge [21/25/ or any other suitable age] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.	CP
	A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under x years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the authority.	CP
	Children under the age of x years shall not be allowed on the premises after **:** hours unless accompanied by an adult.	CP
	Children under the age of x years shall not be allowed on the premises.	CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP
	Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.	CP
	The licence holder or the licence holders, servants, or agents, shall ensure that no flyposting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place at the premises.	PN C&D
Queuing		
	Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.	C&D
Dispersal		
	A minimum 30 minute 'drinking-up' time shall be provided to allow appropriate dispersal, use of lavatories etc.	C&D PN

	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.	C&D CP
	Freephones or payphones shall be made available to all customers and have displayed contact telephone numbers for selection of hackney carriages and private hire services.	PN
Boxing & Wrestling		
	At least 28 days' notice of any event involving boxing or wrestling entertainment events shall be provided to the licensing authority and the health and safety enforcing authority.	C&D

Appendix D – Designated Area of Concern



Appendix E – ID retention policy wording for licensed premises (agreed with Gloucestershire Licensing Authorities and Police)

Premises have no formal powers to seize ID however if the individual wishes to surrender the ID, then we advise that you retain it for 28 days. If an individual returns with suitable ID or proof, then it can be handed back. After the 28 days it can be destroyed. Please do not return ID to any police station.

We suggest that any ID that is retained is recorded in the premises incident book and when returned (details of who to)/destroyed.

We would suggest that a poster stating that the ID would be destroyed after 28 days is displayed and that this is also stated to the person on surrender. Any fake ID's to be destroyed, recorded and not returned.

Licensing Act Statement of Licensing Policy consultation feedback

Total number of responses received: 7 including licensing committee

Comments shown in black **Assessment of comments in red**

Licence Holder

Agrees with all proposals.

Dave Jones, Gloucestershire Safeguarding Children Partnership Business Manager

- Agrees with additional information on personal licences/annual fees – but stated does not have knowledge of these areas
- Inclusion of section on women’s safety and wider vulnerability - Yes, this also should include risks of Criminal Exploitation of children and vulnerable adults and the sexual exploitation of children. It would be worth contacting the police and asking to speak to someone from the Public Protection Team on this matter, or the District safeguarding lead Tracy Brown **How to report safeguarding/exploitation concerns has been added**
- Other comments: The policy requires a revision regarding the designation of Responsible Authorities in relation to Child Protection. It is essential that the document references both the GSCP Published Arrangements and the Working Together to Safeguard Children statutory guidance, as these are critical for any organisation that comes into contact with children. Such organisations have a duty to understand and act upon their safeguarding responsibilities and important know what to do if they have a concern about a child. **Updated**
Additionally, the GSCB no longer exists, and any contact details associated with it are invalid. **Updated**
The designation of Responsible Authorities must be assigned to specific organisations, not to a partnership. A partnership is not a defined legal entity for this or any statutory purpose. The GSCP, as a partnership, has formally identified Gloucestershire Constabulary (Police) and Public Health as the Responsible Authorities, given their roles as principal safeguarding partners. Gloucestershire Fire and Rescue Service, as a GCC service, also falls into this category as GCC is a primary safeguarding partner, that's GCC as a whole and not GCC Children's Services.
Where safeguarding concerns are identified by either the Licensing Team or the Responsible Authorities, these should be communicated directly to the GSCP Business Unit with sufficient detail. This enables the Business Unit to coordinate appropriate feedback and safeguarding advice to the relevant District. This process is clearly outlined in the GSCP’s Published Arrangements, which were agreed with GLOG in 2021. Most Gambling Act Statements already reflect this arrangement, with some clear errors that too will need updating, and it should be consistently replicated in all Licensing Policies.
I will be attending the next GLOG meeting to discuss this further with Tracy Brown from CBC
Lastly, I may have missed it, but I didn’t see any reference to the licensing of taxi drivers or other drivers, including the associated safeguarding processes in this area. This may be covered in a separate document, but I wanted to raise the question for clarification as the recent National Baroness Casey Report has a clear recommendation nationally that needs to be considered relating to the licensing of drivers. **This has been covered at County officers meeting in September**

CLlr David Willingham

- Agrees with personal licence/annual fee
- Women's safety section - This is lots of fine words, but provides no way to require premises to actually operate such a scheme. There should be a model condition that can be all relevant premises, requiring the operator operate a "Welfare and Vulnerability Engagement" scheme, such as "Ask for Angela", as operating a scheme is justified in respect of public safety and preventing crime and disorder **We cannot force premises to promote the scheme as it is not mandatory. However, this is promoted as good practice and the LA fully supports how useful these schemes can be. It will be considered as part of the charter measures when this work is carried out in 2026**
- Other comments: The policy is silent of issues such as illegal electric motorbikes being used for deliveries by premises with late night refreshment licences. The policy seems to mainly focus on sale of alcohol, but late night refreshment needs further controls. There needs to be a model condition applied drafted and to late night refreshment licences requiring safeguarding training for staff and associated record keeping, as such premises are attractive to children and therefore attractive to those seeking to exploit children. The hours for licensable activity such as off-licences, may need different timings for it town, and also to accommodate large 24h shopping premises such as supermarkets. **Again, this is not something we can mandate. Have updated document to reflect good practice.**
Delivery vehicles outside of licensing remit
Takeaway food premises need public nuisance conditions to manage light pollution, and issues associated with congregation of delivery vehicles. Stronger conditions are required to tackle fly-posting, for example requiring to keep a log of all events promoted by third parties, or even to consider requiring venues to hold a deposit in escrow that can be claimed against for removal costs by a highway authority or principle litter authority if fly-posing related to an event is found within 28 days of the event. Fly-posting is a crime so having conditions to prevent or deter it seems reasonable and lawful. The policy should provide indicative timelines so that applicants can be clear how long in advance of opening or one-off events they need to apply, especially for events where a SAG is needed. Conditions around CCTV should look to align the required conditions to align with relevant British Standards such as BS EN 62676 to ensure that picture quality, storage, logging, data authentication, time stamping, tamper detection, etc. meet a measurable standard

Home Office (Immigration)

Change of address **Updated**

Home Office
Immigration Enforcement
Licensing Compliance Team (LCT)
2 Ruskin Square
Dingwall Road
Croydon
CR0 2WF

Email: IE.licensing.applications@homeoffice.gov.uk

GCC Public health

Comments here [Public health feedback.docx](#)

Reference to the pledge removed as this work has not progressed. Updated with reference to purple flag/ENTE work and aspiration to produce a charter for Cheltenham. Will refer request for updates on domestic abuse/sexual violence partnership boards be referred to community safety to feed back to GCC.

Cllr Steve Harvey

8.6. Integrating Strategies & Specific Policies

8.1 The authority has ~~established a good a proven~~ track record of partnership work and will continue to work in partnership with the police, local residents, businesses, licensees, communities and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all. The authority has a very committed set of Councillors who join in the partnership work. Comment. Poorly worded comment but the sentiment is there

8.2 In particular, Cheltenham has an award winning (PURPLE FLAG) vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors, some travelling considerable distances to enjoy what the late night economy has to offer. Document updated

Licensing Committee

2. Women's safety wider vulnerability

Cllr Willingham: Yes, agree with it. Comment to make unless it has been missed – are there any new conditions in the back of document requiring premises to operate the scheme or successor. Going form marked up copy of pool of conditions – can't see a condition that says should operate ask for angela or ask for clive. Need to offer condition that requires premises to operate these schemes. Need to look at which types of premises we would generally put that condition on pub clubs etc. But also, potentially anywhere that gets LNR licences as people going into this LNR may have been in premises before and there may be unwanted 'hangers on' for patrons of LNR.

MB: No proposed conditions – not a mandatory condition – voluntary scheme so mindful of enforcing condition. Police may require it as part of consultation and scheme being promoted by police. May look at charter which is work in progress.

Pemberton: Also support it. Southam and Rising Sun pub- has signs about operation of ask for Angela. Like that we're looking at safety of woman but addendum to add looking after woman as well as men as men often not included. As per comments above

3. Suspension of premises and club premises for non-payment of fees

No comments

4. Any further comments regarding statement of licensing policy draft

DW: 3.33 – protection of children from harm – applicants to give consideration to protecting children from harm. Believes we need to also cover LNR licences on this as an evidential background from a historic news article from the mirror from 29 March 2016 which says that teenage girls groomed by McDonalds burgers and drugs relating to grooming scandal. LNR premises are attractive to young people including vulnerable children and as a result those who seek to exploit them. Requirement on new license that staff in LNR must complete mandatory annual SG training and that applicant/DPS must maintain records to be inspected by LA or constabulary. Model condition to include on those premises. Expectation of what to expect from LNR premises in the policy. **As per comments above**

8.54 – for pubs bars nightclubs we segregate town centre vs residential terminal hour – should there be something similar in relation to ff licences. Is a terminal hour after 23:00 more acceptable for off licence in core central area. Are 24-hour supermarkets that might wish to supply for 24-hour licence to sell alcohol something that might be deemed acceptable. Balance between area – is it safe/suitable are they a responsible applicant. Freedom of people to purchase alcohol as and when deemed fit differentiation vs operating in different areas. **No change – difficult to distinguish between residential/town centre as town centre is evolving with more residential premises**

Model conditions to tackle flyposting. Bristol city council have optional condition which can be applied via licensing review where they are required to maintain a logbook of all promoters so that LA Constabulary and principal litter authorities can find out who it was flyposting. Is it lawful to go further and a premises continue to fly post that we can ask them for events known to be fly posted – that premises holds considerable sum of money in escrow by promoter that if evidence of flyposting exists that money form deposit in escrow is used to clear fly posting instead of public funds.

SW – law changed several years ago where if a fly poster at a venue put up posters – a third party using a premises could see the venue rather than the promoter be the ones prosecuted for fly posting.

MB – correct – outside of licensing remit to enforce fly posting. Will take away model condition re: maintaining a logbook – we can provide details to relevant authority. Expect holding money outside of remit. Asks if legal rep has anything to add – no.

Introduction

An Equality Impact Assessment (EqIA) is a method for assessing the effects or impacts of a council policy or function on removing barriers to equality.

The Equality Act 2010 includes a public sector equality duty which requires public authorities to try and eliminate discrimination; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and promote equality and good relations across a range of protected characteristics.

The protected characteristics are:

Age	Disability	Gender Reassignment
Marriage and civil partnership	Pregnancy and maternity	Race
Religion or belief (including lack of belief)	Sex	Sexual orientation

An EqIA should be completed with the full range of protected characteristics considered during the initial stages of developing new strategies, policies, functions or services, prior to starting a procurement exercise and before decisions are made.

Examples of when an EqIA should be completed are:

<ul style="list-style-type: none">Any proposals to introduce or add to a service	<ul style="list-style-type: none">Any proposals to adopt policy priorities, strategies and plans
<ul style="list-style-type: none">Any proposals to remove, reduce or alter a service	<ul style="list-style-type: none">Changes to staffing structure where groups of employees are likely to be negatively affected
<ul style="list-style-type: none">Any new policies or changes to policies	<ul style="list-style-type: none">Any proposals in relation to procured or commissioned services

Stage 1 - Equality Screening

Whenever a policy/service or function is reviewed, changed, developed or removed an initial equality impact assessment stage 1 will need to be undertaken. This is a screening template and will help establish whether a full assessment is needed. This should be done at an early stage of the process so that it is part of policy development.

Stage 2 – Equality Impact Assessment

This is the full EqIA and seeks to identify the equality considerations that have been taken into account including any mitigating actions proposed and ensures decisions are based on evidence. The EqIA will need to be agreed with the appropriate Head of Service or Director and should be included on the decision making report, along with commentary on the assessment in the main body of the report.

1. Identify the policy, project, function or service change

a. Person responsible for this EqIA

Officer responsible: Michelle Bignell	Service Area: Public Protection
Title: Licensing and Public Protection Manager	Date of assessment: October 2025
Signature:	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Is this new or existing?	Already exists and is being reviewed
Please specify reason for change or development of policy, function, strategy, service change or project	
Policy review	

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:	To review the Statement of Licensing Policy in accordance with statutory requirements
Objectives:	
Outcomes:	
Benefits:	

e. What are the expected impacts?

Are there any aspects, including how it is consulted or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

The Licensing Act 2003 Policy sets out how the Council will discharge its functions with a view to promoting the licensing objectives of preventing crime & disorder, preventing public nuisance, public safety and protecting children from harm.

The Policy applies to all applicants and licence holders equally, regardless of any characteristics under the Equality Act 2010. Similarly, any decisions made, such as whether to grant or refuse a licence are made according to the objectives and criteria in the Policy and are taken irrespective of an applicant or licence holders characteristics.

The Policy revision for 2025 also suggests improvements which will benefit those groups with protected characteristics and proposes measures such as expectations on applicants/licence holders to provide stronger protections for vulnerable persons and women/girls.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

Yes

Owner of Stage Two assessment

Michelle Bignell

Completion date for Stage Two assessment

30 October 2025

STAGE 2 – Full Equality Impact Assessment

2. Engagement and consultation

The best approach to find out if a policy etc, is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those equality groups.

a. Research and evidence

List below any data, consultations (previous, relevant, or future planned), or any relevant research, studies or analysis that you have considered to assess the policy, function, strategy, service change or project for its relevance to equality.

Full consultation carried as laid out in section 7 of the report.

Evening and Nighttime Economy (ENTE) working group has been formed to deliver the revised strategy for the Borough for the 2026 purple flag accreditation. Various stakeholders sit on the group including a VAWG representative, accessibility forums and LGBTQ+ representative. An aspiration of this group is that a Charter is devised that businesses can sign up to demonstrating their commitment to a safe premises.

b. Consultation

Has any consultation be conducted?

Yes

As set out in 6.1 of report.

3. Assessment

a. Assessment of impacts

For each characteristic, please indicate the Page 103: (positive – contributes to promoting equality or improving relations within an equality group, neutral – no impact, negative – could disadvantage them).

Please use the description of impact box to explain how you justify the impact and include any data and evidence that you have collected from surveys, performance data or complaints to support your proposed changes

Protected Characteristic	Specific Characteristic	Impact	Description of impact	Mitigating Action
AGE	Older people (60+)	Neutral		
	Younger People (16-25)	Positive	Promoting an awareness of VAWG and safeguarding/exploitation signs in all licensed premises.	Developing a Charter for all ENTE premises to sign up to. Partnership working with the Gloucestershire Safeguarding Children's Partnership (GSCP).
	Children (0-16)	Positive	Promoting an awareness of VAWG and safeguarding/exploitation signs in all licensed premises.	Developing a Charter for all ENTE premises to sign up to. Partnership working with the Gloucestershire Safeguarding Children's Partnership (GSCP).
DISABILITY A definition of disability under the Equality Act 2010 is available here . <i>See also carer responsibilities under other considerations.</i>	Physical disability	Neutral		
	Sensory Impairment (sight, hearing)	Neutral		
	Mental health	Neutral		
	Learning Disability	Neutral		
GENDER REASSIGNMENT		Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
MARRIAGE & CIVIL PARTNERSHIP	Women	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Men	Positive	Promoting inclusivity and ensuring a safe space in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Lesbians	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Gay Men	Positive	Promoting inclusivity and ensuring a safe space in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
PREGNANCY & MATERNITY	Women	Neutral		

RACE* Further information on the breakdown below each of these headings, is available here . For example Asian, includes Chinese, Pakistani and Indian etc	White	Neutral		
	Mixed or multiple ethnic groups	Neutral		
	Asian	Neutral		
	African	Neutral		
	Caribbean or Black	Neutral		
		Neutral		
RELIGION & BELIEF** A list of religions used in the census is available here	See note	Neutral		
SEX (GENDER)	Men	Positive		
	Women	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Trans Men	Positive	Promoting inclusivity and ensuring a safe space in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Trans Women	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
SEXUAL ORIENTATION	Heterosexual	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Lesbian	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Gay	Positive	Promoting inclusivity and ensuring a safe space in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
	Bisexual/Pansexual	Positive	Promoting inclusivity and an awareness of VAWG in all licensed premises.	Developing a Charter for all ENTE premises to sign up to.
Other considerations				
Socio-economic factors		Neutral		

(income, education, employment, community safety & social support)				
Rurality i.e. access to services; transport; education; employment; broadband		Neutral		
Other (e.g. caring responsibilities)		Neutral		

* To keep the form concise, race has not been included as an exhaustive list, please augment the list above where appropriate to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions in the census is available [here](#)

4. Outcomes, Action and Public Reporting

Page 107

a. Please list the actions identified through the evidence and the mitigating action to be taken.

Action	Target completion date	Lead Officer

b. Public reporting

All completed EqIA's are required to be publicly available on the Council's website once they have been signed off. EqIA's are also published with the papers for committee and full council decisions.

Please send completed EqIA's to [email address]

5. Monitoring outcomes, evaluation and review

The Equalities Impact Assessment is not an end in itself but the start of a continuous monitoring and review process. The relevant Service or Lead Officer responsible for the delivery of the policy, function or service change is also responsible for monitoring and reviewing the EqIA and any actions that may be taken to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from Corporate Policy and Governance will be available to provide support and guidance, please email xxxx if you have any questions.

6. Change log

Name	Date	Version	Change

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Cheltenham Borough Council

Full Council – 15 December 2025

Review of Taxi and Private Hire Licensing Policy (Emissions Policy)

Accountable member:

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

Accountable officer:

Michelle Bignell, Licensing and Public Protection Manager

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

Following the adoption of the revised Taxi and Private Hire Licensing Policy in July 2025, a review of the proposed 2030 emissions policy has been conducted and concluded. Revised wording was sent to key stakeholders (para. 4.1) and cabinet members for feedback. Comments received have informed the revised emissions policy for approval which has been included in the draft policy.

Recommendations:

Council is recommended to:

- 1. Adopt the Taxi and Private Hire Licensing Policy attached at Appendix 2**
-

1. Implications

1.1 Financial, Property and Asset implications

There are no financial implications arising from this report.

Signed off by: Ela Jankowska – Finance Business Partner **Dated:** 27.10.2025

1.2 Legal implications

Cheltenham Borough Council may set its own standards for driver, vehicle and operator licensing whilst also taking statutory guidance and best practice into account.

Consultation must be carried out fairly, and the Council will need to carefully and thoroughly assess the impact of introducing the proposed policy, including the effect on the supply of taxis and private hire vehicles in the area. They should also bear in mind the need for a proportionate approach, ensuring that those licence holders that would not meet the criteria can adapt or change their vehicle within a reasonable time.

Signed off by: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

Whilst this adjusted wording in policy may lead to Greenhouse Gases being emitted in the short term, the overall policy supports the long-term transition away from fossil fuel use within the borough. It is recognised that taxi and private hire trade is people's livelihoods within the borough, creating employment and providing services which supports economic activity. The council will continue to work to reduce barriers for licensed taxis and private hire vehicles operating in Cheltenham to be zero-emission vehicles by 2030, in line with the borough's Climate Emergency Action Plan. Efforts through Climate Leadership Gloucestershire will also be made to ensure that there is alignment across the county. The Climate Impact Assessment Tool provides further detail (attached at **Appendix 4**).

Signed off by: Maizy McCann, Climate Officer, Maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- 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 outlined in **Appendix 5** of this report.

1.6 Performance management – monitoring and review

Through normal service delivery.

2 Background

2.1 The authority's [current policy](#) was adopted by Cabinet in 2025 after a full consultation. As part of this review, the emissions policy was reviewed, and the proposed wording was considered:

'For hackney carriage vehicles, all vehicles from their renewal date in 2026 must be at least Euro 6 emissions or better and the Authority will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions.'

'For private hire vehicles, all vehicles from their renewal date in 2026 must be at least Euro 6 emissions or better and it is the Authority's aspiration that it will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions'.

2.2 Due to feedback received during the consultation, the proposed wording was revised for consideration by key stakeholders with a view to implementing later this year:

'The authority will only licence new hackney carriages and private hire vehicles from 1st January 2030 where they are ultra-low emission or zero emission vehicles. Ultra-low Emission Vehicles (ULEVs) produce less than 75g/km of CO₂ tailpipe emissions and have a zero-emission range of at least 10 miles. It is proposed that 1 January 2030 is the date from which new vehicle licence applications would no longer be accepted for vehicles emitting 75g/km of CO₂ or more.'

This lead period gives time for the trade to prepare, whilst allowing other neighbouring licensing authorities time to consult on and approve this requirement, ensuring a level playing field in the industry across the county and wider regions. If this is approved, there will be a review of the situation in 2029. If other Gloucestershire licensing authorities have failed to implement a restriction on non-ULEVs vehicles, then it will be recommended that the policy should not be implemented. This is because the authority's own policy will simply be circumvented by the trade 'licence shopping' and applying elsewhere. Thereby, the authority will lose control of those working in the Borough and emissions would not be reduced. The authority will proactively work to encourage neighbouring authorities to implement the same ULEZ or zero-emission vehicle policy'.

3 Current taxi and private hire licensing policy

3.1 The current emissions policy can be viewed on pages 20/21 and 25/26 of the [current policy](#) which demonstrates a commitment to reducing carbon emissions by vehicles licensed by the authority.

4 Review of emissions policy

4.1 The following stakeholders were consulted on the review:

- Cheltenham Borough Council's air quality team
- Cheltenham Borough Council's climate team
- Gloucestershire County Council decarbonisation team
- Cheltenham Borough Council's cabinet members

4.2 The feedback is attached at **Appendix 3**.

4.3 Council is asked to approve the draft policy which has been updated with following wording for vehicle emissions:

Cheltenham Borough Council aims to be carbon neutral by 2030.

- *1 April 2028 - The authority will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.*
- *1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.*
- *1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.*

EVs are pure electric vehicles with zero tailpipe emissions. ULEVs are currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tailpipe.

More information is on the [vehicle certification agency website](#)

The [web page](#) also lists all vehicles that meet the EV and ULEV criteria.

5 Reasons for recommendations

- 5.1 The proposed wording is the same policy that Stroud District Council and Tewkesbury Borough Council have adopted. This demonstrates alignment and therefore three out of the six district councils in Gloucestershire would have consistent policy approaches to emissions standards.
- 5.2 Moving forward, there will be a commitment to keeping this approach under review working alongside the licensed trade, the council's climate team and Climate Leadership Gloucestershire and working with the other cabinet members in neighbouring authorities.
- 5.3 With LGR (local government reorganisation) on the horizon it is a sensible approach to adopt a similar approach as two other authorities that have the highest standard in terms of emissions policies.
- 5.4 Cabinet resolved to approve the wording and recommend to Council the policy for adoption at their meeting on 18 November 2025.

6 Alternative options considered

- 6.1 Council can decide not to adopt the proposal outlined in the report. However, the revised wording will promote the borough's ambition to be net zero and will provide clarity for the trade.

7 Key risks

- 7.1 As outlined in Appendix 1.

Report author:

Michelle Bignell, Licensing and Public Protection Manager michelle.bignell@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Draft policy for adoption
- iii. Review feedback
- iv. Climate Impact Assessment Tool
- v. Equality Impact Assessment

Background information:

- Current private hire and taxi policy

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 Cabinet does not resolve to approve the wording the direction will remain unclear and uncertain for the licensed trade.	Head of Public Protection	2	2	3	6	Adopt policy	Licensing and Public Protection Manager	Immediate effect except where dates are specified in policy

Cheltenham Borough Council's taxi and private hire licensing policy



CHELTENHAM
BOROUGH COUNCIL



www.cheltenham.gov.uk

Version control

Document name: Cheltenham Borough Council's taxi and private hire licensing policy

Version: 4.0

Responsible officer

- Michelle Bignell

Approved by: Full Council December 2025

Next review date: 2028

Retention period: Indefinite

Revision history

Revision date	Version	Description
December 2025	4	Emissions policy adopted
July 2025	3	Updated to reflect new best practice guidance, vehicle policy and other amendments
April 2023	N/A	Licensed Vehicle Emission and Wheelchair Accessibility Policy
October 2021	2	<ul style="list-style-type: none"> • Updated to reflect "Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire" • Updated to remove reference the WAV policy

Consultees

Internal

- Cheltenham Borough Council Licensing Committee
- Cheltenham Borough Council elected members

External

- Gloucestershire Constabulary
- Gloucestershire School Transport
- Cheltenham Business and Improvement District (BID)
- Cheltenham Safe
- Disability groups
- Taximeter calibrators

Contents

Introduction.....	6
General Principles	7
Specific Policies & Procedures	9
Part One - Hackney carriage and private hire drivers	13
Duration of licences.....	13
Mandatory Training.....	13
Language proficiency.....	13
Applying for a driver's licence.....	14
Duty to notify changes	18
Part Two – Hackney Carriage & Private Hire Vehicle Proprietors ...	19
Criminality checks for vehicle proprietors.....	19
Hackney Carriage Vehicles	19
Private Hire Vehicles	25
Other Matters Relating to all Licensed Vehicles.....	31
Part Three - Private Hire Operators	36
Duration of licences.....	36
Criminality checks for private hire vehicle operators	36
Booking and dispatch staff	37
Record keeping.....	37
Safeguarding Training.....	37

Appendix A - Table of Delegations	39
Appendix B – Relevance of Convictions Policy	40
Appendix C -Enforcement and Complaints Policy & Procedure	51
Appendix E - Specifications applicable to all vehicles (unless otherwise stated)	58
Appendix F – Specification for Wheelchair Accessible Vehicles	63
Appendix H – Advertising on Licensed Vehicles	71
Appendix K - Private Hire Operator’s Licence Conditions	79
Appendix L - Diabetes Policy.....	82
Appendix M – Three Strikes Policy.....	84
Appendix N - Code of Good Practice for Licensed Drivers’ Working	
Appendix O – Partition Screens in Licensed Vehicles.....	90
Appendix P - Medical Exemption Policy	92

Common licensing standards for licensing hackney carriage and private hire drivers in Gloucestershire



Introduction

Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.

The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.

The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers.

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

Licensee self-reporting

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

Complaints against licensees

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint, compliment or concern.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

Certificate of Good Character

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

Part One - Hackney carriage and private hire drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case-to-case basis.

Applying for a driver's licence

The authority issues the following driver licences:

- a) Private Hire; and
- b) Hackney Carriage.

Licences are issued subject to proof of eligibility as outlined below:

Requirement	Relevance
a) Provide his or her original DVLA driving licence (or equivalent). The licence must have been held for at least 12 months, must cover the driver for the category of vehicle he or she will be driving, and must be valid for the entire duration of the period for which he or she is applying to be licensed. The driving licence must show that the applicant has had 12 months free of any driving offences at the time of making the application.	New and renewal applications
b) Provide one passport sized, colour photograph of themselves.	New and renewal applications
c) You will need to provide an enhanced criminal disclosure certificate for 'Other Workforce' issued by the Disclosure and Barring Service (DBS). The Authority cannot accept adult and/or child workforce type on an enhanced DBS. You cannot apply for these online without a reference or link from us. We will contact you to advise how you can apply for your enhanced DBS and pay the fee. We will require you to send us your	New applications

Requirement	Relevance
<p>required ID documents either by uploading these as part of the online form or by email to licensing@cheltenham.gov.uk</p> <p>We will arrange an appointment to verify your identity and documents.</p> <p>You will be required to also register for the DBS update service. You will need your certificate number. <i>You must register for the update service within 28 days of the certificate being issued.</i></p>	
<p>d) A DBS update service check of an Enhanced DBS. The council will carry out an online check of the status of your DBS every 6 months and if unable to do so, a new DBS certificate will be required. This check will show if there has been a change to the data held against the person concerned, in which case the authority will require a new DBS certificate to be obtained by the driver.</p>	Renewal applications
<p>e) Documentation demonstrating their <i>right to work in UK</i></p> <p>Visit https://www.cheltenham.gov.uk/licensing for information on acceptable documents for manual right to work checks.</p> <p>You can submit your approved documents electronically to us. We will arrange an appointment to verify your documents.</p>	New and renewal applications
<p>f) Submit a <i>driving assessment</i> pass certificate from an <u>approved</u> provider.</p> <p>Visit https://www.cheltenham.gov.uk/licensing for information on approved providers.</p>	New applications

Requirement	Relevance
<p>g) You will need to pass a knowledge test and attend safeguarding training. The test will assess your knowledge on a range of relevant subjects such as geographical knowledge, law and conditions, basic numeracy and safeguarding.</p> <p>If you fail the test 3 times, you will need to wait a minimum of 6 months before you are permitted to retake the test.</p> <p>Visit https://www.cheltenham.gov.uk/licensing for information and how to book.</p>	New applications
<p>h) You need to arrange to get your medical assessment done by a medical doctor who has access to your medical history or a medical based on a 'summary of medical records' from a suitably qualified medical practitioner.</p> <p>In line with DVSA recommendations, the authority has adopted the Group 2 driver standard for medical fitness of Hackney and Private Hire drivers. <i>The D4 medical examination report for a Group 2 (bus or lorry) licence form must be completed.</i></p> <p>This form can be submitted electronically either by uploading it as part of the online form, by email to licensing@cheltenham.gov.uk or by posting it to us FAO Licensing at the Municipal Offices. <i>It must also be accompanied by the council's medical declaration form.</i></p> <p>A medical report form is only valid for a maximum of 4 months so if you do not complete your application in this time period you will be required to submit a new medical report form.</p> <p>Licensed drivers will be required to obtain a new and satisfactory medical report at the age of 45 and then every 5 years until</p>	New & renewal applications

Requirement	Relevance
<p>the age of 65. After 65, the medical must be carried out every year. The authority will usually send out a reminder letter a few weeks before the medical is due. A failure to produce a satisfactory medical within the required timeframe given by the Authority may lead to the suspension of the driver's licence.</p>	
<p>i) Evidence of your English language proficiency</p> <p>Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. You can submit your appropriate qualification electronically either by uploading it as part of the online form or by email to licensing@cheltenham.gov.uk. We will accept a scan or photo of the certificate.</p> <p>If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.</p>	New applications
<p>j) Certificate of good character</p> <p>Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a certificate of good conduct.</p>	<p>New applications</p> <p>Renewal applications where the licence holder has lived in another country for longer than 6 months in a given calendar year.</p>

Requirement	Relevance
k) Mandatory training Mandatory licensing, safeguarding and equality training.	New & renewal* applications * Refresher training every three years

Duty to notify changes

Licence holders must notify the authority in writing:

- within 7 days of any change of address;
- within 48 hours if they are charged, convicted, cautioned for an offence and/or receives a fixed penalty notice or is the subject of a criminal investigation;
- immediately if an operator changes their name and/or address;
- within 72 hours if a licensed vehicle proprietor has been involved in any accident involving a licensed vehicle;
- within 14 days if a licensed vehicle proprietor transfers his interest in the vehicle to another person and pay the appropriate fee;
- within 72 hours if a licensed vehicle is off the road and uninsured;
- within 7 days, a licensed private hire operator of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.
- within 7 days, a licensed private hire operator of any conviction / caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence
- within 7 days if any driver/vehicle commences or ceases working for them - licensed private hire operators only

Part Two – Hackney Carriage & Private Hire Vehicle Proprietors

Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix A.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate will be required immediately.

A refusal to licence an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage or private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Hackney Carriage Vehicles

Limitation of Numbers

The council does not impose restrictions on the number of hackney carriage vehicles.

Mixed Fleet

The authority wishes to promote a mixed fleet of hackney carriage vehicles to provide for individuals with different disabilities and mobility needs. The authority proposes to do so by maintaining and enhancing the number of licensed hackney carriage vehicles that are

wheelchair accessible vehicle (WAV), whilst at the same time, allowing existing non – WAV proprietors to continue to licence that design type.

Emissions

Cheltenham Borough Council aims to be carbon neutral by 2030.

- 1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.
- 1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.
- 1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.

EVs are pure electric vehicles with zero tailpipe emissions. ULEVs are currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tailpipe.

More information is on the [vehicle certification agency website](#)

The [web page](#) also lists all vehicles that meet the EV and ULEV criteria.

Application	Requirement
New hackney carriage	<ul style="list-style-type: none"> • Must be a WAV under 8 years from date of first registration and of at least Euro 6 or higher emissions standard • From 1 January 2030, ambition that any new vehicle must emit zero emissions
Replacement vehicle application	<ul style="list-style-type: none"> • A WAV must be replaced with a WAV and must be less than 8 years from date of first registration and at least Euro 6 or higher emissions standard • A saloon can be replaced with a saloon but must be less than 5 years from date of first registration and of Euro 6 or higher emissions standard • Replacement vehicles from 1 January 2030 the ambition is that it must be of the same type of vehicle (for example a WAV must be

Application	Requirement
	replaced with a WAV) and must emit zero emissions
Renewal vehicle application	<ul style="list-style-type: none"> • Purpose built WAVs or vehicles converted or adapted to carry wheelchairs (where the work is carried out by a competent and professional person or bona fide business to the satisfaction of the Licensing Section): 16 years (from date of registration) • Euro 3 and 4 vehicles must be replaced with a vehicle manufactured to at least meet Euro 6 or a higher emissions standard that meets all of the authority's requirements by not later than their renewal date in 2025 • Euro 5 vehicles must be replaced with a vehicle manufactured to at least meet Euro 6 or a higher emissions standard that meets all of the authority's requirements by not later than their renewal date in 2026. The only exception to the above will be where an application is for a Euro 5 WAV which may be licensed for not longer than 16 years from date of registration. • Ambition that from all vehicles must emit zero emissions on their 2033 renewal date.

Licensing a New Hackney Carriage Vehicle

The following requirements are applicable to all applications for new hackney carriage vehicle licences. The vehicle must:

- a) Be disabled accessible as per London Public Carriage Office Specification, Eurocab M1 Specification or such other nationally accepted specification as is agreed by the Council;
- b) Be silver in colour (as identified on the vehicle's registration document);
- c) Be less than 8 years from date of manufacture;
- d) Comply with vehicle specifications (see Appendix B);
- e) Be fitted with an approved roof sign bearing the word "TAXI"; these specifications shall be detailed in Section on roof signs on page xx
- f) Be manufactured to at least meet Euro 6 or a higher emissions standard;
- g) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

General conditions are attached to a hackney carriage vehicle proprietor's licence. These are attached at Appendix G.

To make an application an applicant must:

- a) Arrange for the vehicle to be tested at a designated testing station;
- b) Submit an application form along with the following documents:
 - Vehicle fitness test pass certificate – carried out not more than 1 month prior to the start date of the licence;
 - MOT pass certificate –as above;
 - Hackney carriage meter test certificate less than 1 month old to be required on all new, replacement and transfer applications. In addition to be supplied to the authority within not more than 2 weeks following a meter being changed to a new fares schedule introduced by the council;
 - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
 - Appropriate valid certificate of motor insurance for the vehicle which must include cover for public hire / hackney carriage work (annual policies only);

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce vehicle registration document (V5) this will not prevent the application being considered but the V5 must be produced within 28 days of the application being made.

Replacing a Licensed Hackney Carriage Vehicle

Where a hackney carriage is currently licensed as a WAV, it can only be replaced with another WAV, that meets the criteria below. However, please note the exception below:-

With effect from when this policy takes effect a vehicle licensed as a non – WAV may be replaced with a non – WAV vehicle.

To make an application an applicant must:

- a) Submit a new vehicle application online;
- b) Arrange for the vehicle to be tested at the designated testing station;
- c) Submit an application form along with the following documents:
 - Vehicle fitness test pass certificate – carried out not more than 1 month prior to the start date of the licence;
 - MOT pass certificate – as above;
 - Hackney carriage meter test certificate less than 1 month old to be required on all new, replacement and transfer applications. In addition to be supplied to the authority within not more than 2 weeks following a meter being changed to a new fares schedule introduced by the council
 - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
 - Appropriate valid certificate of motor insurance for the vehicle which must include cover for public hire / Hackney Carriage work (annual policies only).
- d) Manufactured to at least meet Euro 6 or of a higher emissions standard;
- e) Be less than 5 years (8 for a WAV) from date of manufacture
- f) Comply with vehicle specifications (see Appendix B)

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce vehicle registration document (V5) this will not prevent the application being considered but the V5 must be produced within 28 days of the application being made.

Renewing a Hackney Carriage Vehicle licence

The authority will (re)licence a hackney carriage vehicle in accordance with the time periods below:

- a) Purpose built WAVs or vehicles converted or adapted to carry wheelchairs (where the work is carried out by a competent and professional person or bona fide business to the satisfaction of the Licensing Section): 16 years (from date of registration)
- b) Euro 3 and 4 vehicles must be replaced with a vehicle manufactured to at least meet Euro 6 or a higher emissions standard that meets all of the authority's requirements by not later than their renewal date in 2025
- c) Euro 5 vehicles must be replaced with a vehicle manufactured to at least meet Euro 6 or a higher emissions standard that meets all of the authority's requirements by not later than their renewal date in 2026. The only exception to the above will be where an application is for a Euro 5 WAV which may be licensed for not longer than 16 years from date of registration.
- d) All vehicles must emit zero emissions on their 2030 renewal date.

Renewal applications must be submitted electronically via the council's website.

To apply to renew a licence an applicant must:

- a) Arrange for the vehicle to be tested at the designated testing station;
- b) Submit the renewal application form along with the following documents:
 - Vehicle fitness test pass certificate carried out not more than 1 month prior to the start date of the licence;
 - MOT pass certificate – as above;
 - Hackney carriage meter test certificate less than 1 month old - to be required on all new, replacement and transfer applications. In addition to be supplied to the authority within not more than 2 weeks following a meter being changed to a new fares schedule introduced by the council
 - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
 - Appropriate valid certificate of motor insurance for the vehicle which must include cover for public hire / Hackney Carriage work (annual policies only);
 - Current vehicle licence plate and window badge.

For a vehicle licence renewal, the authority will accept a vehicle fitness test pass certificate issued a maximum of 1 month before the vehicle licence renewal date.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

Vehicle Substitutes

Where any hackney carriage is off the road due to an accident or serious mechanical fault, the authority may allow a 'substitute' vehicle application to be approved, for not longer than 2 months. In all cases, the vehicle being temporarily licensed must be a vehicle manufactured to at least meet Euro 6 or a higher emissions standard and must be a WAV if the existing vehicle is a WAV or may be a non – WAV if the existing vehicle is a non – WAV.

Testing of Older Vehicles

Vehicles over 8 years of age will be subject to 6 monthly fitness inspections. This means that on grant or renewal of a licence, if the vehicle is aged more than 8 years from the date of manufacture, a condition will be applied to the licence requiring the Council's approved vehicle fitness test to be carried out and passed no later than 6 months after the grant of the licence.

For the avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the log book) will be taken to be the date of manufacture as long as the log book shows that the vehicle was declared new at first registration.

Private Hire Vehicles

Cheltenham Borough Council aims to be carbon neutral by 2030.

- 1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.
- 1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.
- 1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.

EVs are pure electric vehicles with zero tailpipe emissions. ULEVs are currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tailpipe.

More information is on the [vehicle certification agency website](#)

The [web page](#) also lists all vehicles that meet the EV and ULEV criteria.

Application	Requirement
New private hire vehicle	<ul style="list-style-type: none"> • Must be under 5 years from date of first registration (a WAV under 8 years from date of first registration) and of at least Euro 6 or higher emissions standard • Ambition that from 1 January 2030, any new vehicle must emit zero emissions
Replacement vehicle application	<ul style="list-style-type: none"> • A WAV must be replaced with a WAV and must be less than 8 years from date of first registration and at least Euro 6 or higher emissions standard • A saloon can be replaced with a saloon but must be less than 5 years from date of first registration and of Euro 6 or higher emissions standard • Ambition that all replacement vehicles from 1 January 2030 must be of the same type of vehicle (for example a WAV must be replaced with a WAV) and must emit zero emissions
Renewal vehicle application	<ul style="list-style-type: none"> • Purpose built WAVs or vehicles converted or adapted to carry wheelchairs (where the work is carried out by a competent and professional person or bona fide business to the satisfaction of the Licensing Section): 16 years (from date of registration) • Euro 3, 4 and 5 vehicles must be replaced with a vehicle manufactured to at least meet Euro 6 or a higher emissions standard that meets all of the authority's requirements by not later than their renewal date in 2026. The only exception will be where an

Application	Requirement
	<p>application is for a Euro 5 WAV which may be licensed for not longer than 16 years from date of registration.</p> <ul style="list-style-type: none"> • Ambition that all renewal applications must emit zero emissions on their 2033 renewal date.

Licensing a New Private Hire Vehicle / Replacing a Licensed Private Hire Vehicle

The following requirements are applicable to all applications for new and replacement Private Hire Vehicle licences. The vehicle must:

- Be any colour other than silver (as identified on the vehicle's registration document);
- Be less than 5 years from date of registration unless it is a wheelchair accessible vehicle in which case be not less than 8 years from date of registration;
- Comply with vehicle specifications (see Appendix E).

General conditions are attached to a Private Hire Vehicle proprietor's licence. These are attached at Appendix G.

Executive hire Private Hire vehicles may apply to be exempted from the requirement to display a licence plate and the driver from wearing a driver's badge. The policy in relation to this exemption is at Appendix I.

To make an application to licence a new Private Hire vehicle, an applicant must:

- Arrange for the vehicle to be tested at the designated testing station;
- Submit an application form along with the following documents:
 - Vehicle fitness test pass certificate – carried out not more than 1 month prior to the start date of the licence;
 - MOT pass certificate –as above;
 - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
 - Appropriate valid certificate of motor insurance for the vehicle which must include cover for Private Hire work (annual policies only);

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce the vehicle registration document (V5) this will not prevent the application being considered but the V5 must be produced within 28 days of the application being made.

Renewing a Private Hire Vehicle licence

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The council has no duty to notify licence holders that their licence is due for renewal, but as a courtesy and part of the council's customer service, reminders will be sent approximately four to six weeks in advance of the expiry of the licence.

Renewal applications must be submitted electronically via the council's website.

To apply to renew a licence an applicant must:

- a) Arrange for the vehicle to be tested at the designated testing station;
- b) Submit the renewal application form along with the following documents:
 - Vehicle fitness test pass certificate –carried out not more than 1 month prior to the start date of the licence;
 - MOT pass certificate – as above;
 - Vehicle registration document (V5 / log-book) in the applicant’s name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
 - Appropriate valid certificate of motor insurance for the vehicle which must include cover for Private Hire work (annual policies only);
 - Current vehicle licence plate and window badge.

For a vehicle licence renewal, the authority will accept a vehicle fitness test pass certificate issued a maximum of 1 month before the vehicle licence renewal date.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

Vehicle Substitutes

Where any private hire vehicle is off the road due to an accident or serious mechanical fault, the council may allow a ‘substitute’ vehicle application to be approved, for no longer than 2 months. In all cases, the vehicle being temporarily licensed must be Euro 6 or higher emissions standard and must be a WAV if the existing vehicle is a WAV or may be a non – WAV if the existing vehicle is a non – WAV.

Vehicle Age and Emissions Standards

A new application or replacement for a private hire vehicle licence will be refused if it is not a vehicle manufactured to at least meet Euro 6 or a higher emissions standard.

Vehicle Renewal Applications

From 1st January 2026, an application to renew a private hire vehicle will be refused if the vehicle is not a vehicle manufactured to at least meet Euro 6 or a higher emissions standard.

The only exception to the above will be where an application is made for a WAV vehicle that meets Euro 5 emission standards which may be licensed for not longer than 16 years from date of registration.

Liquid petroleum gas (LPG) conversions to vehicles licensed or to be licensed by the authority are acceptable. Any conversion to LPG must be done by an approved converter and the conversion certificate produced to the council for inspection.

Vehicles must however still comply with the minimum luggage capacity and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger area of a vehicle.

Testing of Older Vehicles

Vehicles over 8 years of age will be subject to 6 monthly fitness inspections. This means that on grant or renewal of a licence, if the vehicle is aged more than 8 years from the date of manufacture, a condition will be applied to the licence requiring the Council's approved vehicle fitness test to be carried out and passed no later than 6 months after the grant of the licence.

For the avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the log book) will be taken to be the date of manufacture as long as the log book shows that the vehicle was declared new at first registration.

Other Matters Relating to all Licensed Vehicles

Licence Plates & Signs

All Vehicles

At all times while the vehicle is being used as a Hackney Carriage or Private Hire vehicle there shall be securely fixed, externally to the rear, the appropriate vehicle licence plate supplied by the Council, except when permission has been granted by the Council (see Appendix I).

All identification plates, stickers and badges issued to the licence holder by the council, shall remain the property of the council.

At all times while the vehicle is being used as either a Hackney Carriage or Private Hire vehicle there shall be displayed on the windscreen the appropriate vehicle window badge supplied by the council.

No smoking signs

All vehicles must display 'no smoking' signs. The signs must be displayed in the 3 side passenger windows, facing outside and clearly visible.

Private Hire vehicles only

All Private Hire vehicles must display two approved stickers stating "Advanced Booking Only", to be affixed to the rear passenger nearside and offside windows.

Roof signs (top-lights)

Hackney Vehicles

Hackney Carriage vehicles must be fitted with an illuminated external sign, of a design approved by the council, on the roof of the vehicle showing the word "TAXI" on both the front and rear of the sign and the licence number on all four sides of the sign.

The dimensions for such roof signs should be either of the following from 1 January 2026:

Dimensions:

- Width 762mm/30inches
- Height 163mm/6.5inches
- Depth 152mm/6 inches

Or

Dimensions:

- Width 762mm/30inches
- Height 112mm/4.5inches
- Depth 178mm/7 inches

Vehicle proprietors displaying alternative roof signage must replace such roof signs with a roof sign of the dimensions above by 1 January 2026.

Vehicles with built-in roof signs must display the word "TAXI".

On licensed vehicles the roof light must be extinguished when the fare meter is in use.

The roof sign must be adequately secured to the vehicle to prevent it becoming dislodged.

Minibuses, transits and people carrier type vehicles which are not fitted with an approved roof sign, as indicated above, shall have the word "Taxi" in letters of between 25cm (9.85 inches) and 30 cm (11.9 inches) in height displayed on the front and rear of the vehicles so that they can be clearly identified as a Hackney Carriage vehicle.

Private Hire Vehicles

A Private Hire vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.

Meters Hackney Carriages

All taximeters must be calendar controlled by no later than 1 January 2026. A taximeter must be fitted in all licensed Hackney Carriages and must be correctly calibrated, sealed and fully functional in accordance with the current council approved fare structure and easily visible to passengers.

The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The display of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness and also at any time at the request of the hirer.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

An official copy of the council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.

The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by the council in connection with the hire of Hackney Carriages. In the event of such a journey commencing in but ending outside the Borough there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the council in connection with the hire of Hackney Carriages.

Private Hire Vehicles

Private hire vehicles may be fitted with a calendar-controlled taximeter. Any taximeter fitted to a private hire vehicle must comply with those conditions and requirements set out above, which appertain to such meters when fitted in Hackney Carriage vehicles, with the exception of the requirement that the meter must only display the approved fares.

Manufacturer's Recall of Motor Vehicles

If a manufacturer of a motor vehicle has cause to recall vehicles due to safety concerns the proprietors of licensed vehicles will ensure that the vehicle is repaired as expediently as possible. The documentary evidence showing the fault(s) has been corrected should be retained by the proprietor of the vehicle for production to the Council if required.

In the event that the fault is of a nature causing safety concerns, it may be necessary for the vehicle licence to be suspended until such time as the proprietor provides documentation to show that the vehicle is safe.

Trailers

Trailers may only be used subject to the following requirements:

- a) Trailers can only be used in connection with private hire/advance bookings and cannot be used for plying for hire on a rank,
- b) The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986,
- c) The vehicle insurance must include cover for towing a trailer,
- d) Trailers must not be left unattended anywhere on the highway,

- e) The speed restrictions applicable to trailers must be observed at all times,
- f) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Insurance write-offs

The council will not licence any type of insurance write off for public safety reasons.

Communication Devices

All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines published by Ofcom.

Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the Hackney Carriage or Private Hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.

CCTV in vehicles

The Department for Transport (DfT) recommends councils to look sympathetically on the installation of security features, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. The councils fully support such measures.

The councils do not require enhanced security or CCTV measures in vehicles. Where a proprietor installs a CCTV system, signage must be clearly displayed in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.

No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Further information on CCTV can be found on the Information Commissioners website at ico.org.uk.

Vehicle Testing Arrangements

All vehicles will be tested in accordance with the Hackney Carriage and Private Hire Vehicles National Inspection Standards in conjunction with the current VOSA MOT inspection manual.

All Hackney Carriage and Private Hire vehicles regardless of age will be subject to the vehicle fitness test and the MOT certificate will be issued as a matter of courtesy and convenience for the driver.

Part Three - Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate will be required immediately.

Refusal to licence in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

Safeguarding Training

Existing Operators on renewal

A named individual in a management position or acting as a director for the company licensed as an operator must undertake safeguarding training approved by the authority from 1 January 2026.

When a renewal application is made evidence must be shown to demonstrate that at least one named individual has undertaken safeguarding training approved by the authority and completed refresher training on a cycle of not less than 5 years.

If the trained person leaves employment of the licensed operator or resigns as director, a new person must be trained. This must be done within 28 days of the person ceasing the position to ensure that a trained person is in post.

New Applicants

A named individual in a management position or acting as a director for the company licensed as an operator must undertake safeguarding training approved by the authority prior to the grant of the licence with effect from 1 January 2026.

Appendix A - Table of Delegations

Matter to be dealt with	Cabinet/ Full Council	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	Head of Service if immediate suspension is required
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Head of Service if immediate revocation is required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)		Cases where referral for determination required	All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Head of Service if immediate revocation is required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	Head of Service if immediate suspension is required
Revocation of operator's licence (public safety)		Cases where referral for determination required	Head of Service if immediate revocation is required
Assistance dogs in taxis: exemption certificate request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases

Appendix B – Relevance of Convictions Policy

Gloucestershire licensing authorities – taxi and private hire convictions policy

Information for applicants and existing licence holders

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the times scales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those

offences not included. It is not reasonable that those licences should be automatically revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

Overview

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions.
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.

14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services □ Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered

20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
22. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare

convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Offences

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.

37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
 - a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences
40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since

the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked

43. Dishonesty offence includes (this is not an exhaustive list)
- a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

44. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

47. Examples of Discrimination offences include (this is not exhaustive list)

- a. Racially aggravated common assault
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsementcodes-and-penalty-points>

50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-longendorsements-stay-on-your-driving-licence>

51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.

52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.

53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked.

Appendix C -Enforcement and Complaints Policy & Procedure

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be taken following enforcement or complaint

When deciding what action to take, the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to retake driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal , written warning or strike	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days' notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory

Action	Examples (but not an exhaustive list)
Simple caution issued by authorised officer	<ul style="list-style-type: none"> A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub Committee	<ul style="list-style-type: none"> A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified, and the public could be at risk A licence holder that had received more than 3 <i>strikes from</i> Officers for breaches of conditions, policy or legislation within a 12-month period A licensed driver who has accumulated more than 6 current points on their driving licence Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> Using an unlicensed vehicle Unlicensed driver driving a licensed vehicle Unlicensed operator Driving without valid insurance Refusing to carry a guide dog Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However, if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence.

The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider.

After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions:

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take a anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

Appendix D - Code of Good Conduct for Licensed Drivers

The Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document. This is promoted in conjunction with the Codes of Practice in relation to targeting crime in Cheltenham and reducing crime and disorder.

Codes of Practice in Relation to Targeting Crime in Cheltenham, Reducing Crime and Disorder

Licence holders shall:-

- a) Always be polite and courteous to all members of the public, avoiding the use of bad language, even when provoked;
- b) Ensure that where an incident occurs requiring the attendance of Police, that the Police are promptly alerted so that the offender may be dealt with in an appropriate manner;
- c) Make themselves available to Police for the taking of statements etc following any incident in which they are involved and which requires Police investigation;
- d) Will not refuse a fare, unless they have reasonable cause to do so;
- e) NOT attempt to 'detain' passengers in the vehicle following a non-payment, to prevent possible allegations of kidnap, assault etc.;
- f) Consider installing CCTV their vehicle;
- g) Consider a small lockable safe in the boot of each vehicle for use of placing cash to reduce the amounts held by each individual;
- h) Ensure that where practical that they check for left property after every fare and in any case at the conclusion of their duty.
- i) Take proper care of any property left by passengers in the vehicle and take steps to assist in its return to the owner or to hand it in at the police station within 48 hours;
- j) Seek to develop a good rapport and working relationship with all other members of the nighttime economy, including the emergency services and Taxi Marshalls;
- k) Ensure when dropping off 'vulnerable' passengers at night that they wait until they can confirm that the person is safe before driving off. '
- l) Consider operating a 'buddy' system with another driver or group of drivers to provide mutual support and conduct regular safety checks, particularly at night.

- m) Drive with care and due consideration for other road users and pedestrians
- n) Obey all Traffic Regulation Orders and directions at all time;
- o) Not consume alcohol or misuse drugs (legal or illegal) immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- p) Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

Responsibility to Passengers

Licence holders shall:-

- a) Maintain the vehicle in a safe, clean and satisfactory condition at all times;
- b) Attend punctually when undertaking pre-booked hiring;
- c) Assist, where necessary, passengers into and out of vehicles;
- d) Offer passengers reasonable assistance with luggage;
- e) Take the most time efficient route, bearing in mind traffic problems, and known diversions, and explain any diversion from the main route;
- f) If a taximeter is fitted, use the meter at all times;
- g) When using the meter, do not start the meter until the passenger is seated in the vehicle;
- h) If a hackney carriage is travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensed area, then the driver must adhere to the meter and charge no more than the metered rate;
- i) Private hire drivers will ensure the passenger has pre booked and agrees to the fare before setting out.

Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-

- a) Not sound the vehicle's horn between 2330 hours and 0700 hours;
- b) Keep the volume of any sound reproducing equipment (e.g. radio) to a minimum;;
- c) Switch off the engine if required to wait.
- d) When parked at Private Hire offices or elsewhere, take whatever steps are necessary to avoid disturbance to residents.

At Taxi ranks and other places where Taxis ply for hire by forming queues, drivers shall, in addition to the requirements above:-

- a) Park in an orderly manner and proceed along the designated rank in order and promptly;
- b) Remain in the vehicle.

Drivers' Dress Code

In order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and conform to minimum standard of dress and personal hygiene.

The following are deemed unacceptable:-

- a) Clothing not kept in a clean condition or which is torn or damaged;
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend;
- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.);
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel;
- e) Drivers not having either the top or bottom half of their bodies suitably clothed;
- f) Shorts, other than tailored shorts;
- g) Very short skirts.

Appendix E - Specifications applicable to all vehicles (unless otherwise stated)

Minimum Interior Dimensions

The following minimum dimensions are applicable to both Hackney Carriage and Private Hire vehicles.

Proprietors should bear in mind that the manufacturers' claimed seating capacity may not always be the same as the Council's licensed seating capacity scheme as detailed below.

Height - From the top of the seat cushions to the roof at the lowest part (inside) must not be less than 865 mm (34 inches approx.)

Seat Depth - fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be no less than 406 mm (16 inches approx.)

Seat Width - fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person. There must also be a minimum of 1371mm (54 inches) between the inner door handles.

Legroom – each passenger seat shall provide sufficient legroom for passengers to be seated in comfort.

Facing seats - the distance between the seat backs measured in a horizontal plane along the top surface of the seating cushion must be not less than 1300 mm (51 inches approx.). The distance between the front edges of the seat cushions must be not less than 425 mm (16 ¾ inches approx.).

Type Approval

All vehicles should have an appropriate 'type approval' which is either:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle Approval (SVA).

Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate SVA and/or Department for Transport approval and this documentation must be submitted with an application.

Wheels

All vehicles must have four road wheels fitted.

Right hand drive

All vehicles, with the exception of stretch limousines, must be right-hand drive.

Tinted Windows

In the interest of public safety vehicles with tinted windows will not be licensed other than where the tinting is factory-fitted standard.

Doors

All saloons, estates or purpose built taxi vehicles shall have at least 4 doors, which may be opened from the inside and the outside.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

Seats

Access to every passenger seat must be unobstructed and be easily accessible to passengers and without the need for more than one passenger to move.

Head rests must be fitted to all forward or rear facing seats.

Passenger capacity

All vehicles must be capable of carrying a minimum of 4 or a maximum of 8 adult passengers in safety and comfort.

Seat Belts

All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

First Aid Kit & Fire Extinguisher

Each vehicle should have a readily available and accessible first aid kit at all times when the vehicle is used for hire, a suitable First Aid Kit, bearing the registered number of the vehicle, containing appropriate dressings and appliances for immediate use in an emergency. All items should be serviceable.

First Aid kits must comply with European and British Standards and it is the responsibility of the driver to ensure the contents of the kit comply with the relevant standards.

A fire extinguisher shall also be provided which is readily accessible and complies with relevant BS or EN codes.

Drivers should only use such equipment where it is safe to do so, and they feel confident and competent to do so. A fire extinguisher should not be used on occasions where such use may invalidate a vehicle warranty.

Ventilation

Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

All passenger windows must be capable of being opened by passengers when seated.

Luggage

Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available.

Luggage carried must be suitably secured in place.

Condition and Maintenance

The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Authority and without prejudice to the foregoing. In particular the exterior of the vehicle shall be free of large dents, rust or

unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, and tears and the seats shall be required to function in accordance with the original manufacturer's specification.

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

Modifications

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and securing the prior approval of the Council, at any time while the licence is in force.

Advertising

Please see policy attached at Appendix H.

Special Event Private Hire Vehicles

A special event Private Hire vehicle is a vehicle used as a Private Hire car for special journeys, for example a stretch Limousine.

Most special event vehicles, in particular limousines, are imported for commercial purposes and are required to take a single vehicle type approval (SVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

The Council will consider licensing a stretch Limousine on its individual merits and providing it meets the following criteria, in addition to those criteria applicable to all private hire vehicles:

- a) It has fewer than 9 passenger seats and
- b) It has been subjected to a Single Vehicle Type Approval (SVA) inspection or an Individual Vehicle Approval Scheme (IVA) inspection.

- c) Evidence of the inspection must be presented in the form of a SVA or IVA Certificate or an appropriate endorsement of the V5C Registration Certificate relating to SVA or IVA.
- d) The vehicle complies with the Council's applicable Private Hire vehicle testing standards.

Appendix F – Specification for Wheelchair Accessible Vehicles

Vehicle requirements, safety and comfort

- a) All vehicles will be licensed on their individual merit and designed or adapted to the London Public Carriage Office Specification, Eurocab M1 Specification or such other nationally accepted specification as is agreed by the council.
- b) The vehicle must be capable of accommodating at least one “reference wheelchair” in either a forward or rear facing position whilst they remain seated in the wheelchair allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.
- c) Hackney carriages must be silver in colour (as identified on the vehicle’s registration document). Private hire vehicles can be any colour but silver.
- d) Be right-hand drive.
- e) Be less than 8 years from date of manufacture (as identified in the vehicle’s registration document).
- f) Be fitted with an approved roof sign bearing the word ‘TAXI’ (integrated or freestanding).
- g) Be manufactured to EU emissions in accordance with age and emissions policy.
- h) Be fitted with a meter of an approved type with the fares charged as determined by the council.
- i) Be capable of carrying not less than 4 and not more than 8 passengers with the provision of a seatbelt and head restraint for each passenger.
- j) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

Access

- a) In the case of all vehicles which are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or the rear of the vehicle.
- b) Should have a minimum 4 doors, which are capable of being opened from the inside. The rear passenger compartment must have an openable door on either side of the vehicle.
- c) The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
- d) Rear doors to have mechanism to positively hold them open.

Anchorage and restraints

- a) Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests.
- b) The anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- c) Wheelchair internal anchorage must be installed and fitted by a competent person able to verify in a professional capacity that it has been fitted in accordance with all relevant legislative safety standards and requirements.
- d) Restraints for the wheelchair and occupant must be independent of each other.
- e) All passenger seats to have three point lap fully operational diagonal seatbelts, one for each passenger carried, fully compliant with British Standards except where the law specifically exempts.
- f) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- g) Ramps
- h) A single ramp must be of a suitable design to ensure that it does not slip or tilt when in use and provide a suitable gradient when in use.
- i) Ramps and lifts must be securely stored in the vehicle before it may move.

Appendix G - Conditions attached to a Private Hire and Hackney Carriage Vehicle Proprietors Licence

1. Standard Conditions

1.1 Maintenance of Vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

1.2 Alteration of Vehicle

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Council.

1.3 Trailers & Towbars

Trailers must not be used without the consent of the Council.

The trailer shall display the appropriate registration plate fitted to the rear of the trailer.

A spare wheel tyre appropriate for the trailer must be carried when the vehicle is being used for public hire.

1.4 Identification Plates, Window Badges and Stickers – all vehicles

All licensed Hackney Carriage or Private Hire vehicles will be provided by the Council with the following identifying features:

- An approved licence plate identifying the vehicle as a Hackney Carriage or Private Hire vehicle, which must be securely fixed externally to the rear of the vehicle in such a manner as to be easily removed if necessary by an authorised officer of the council or a police officer.
- An approved window badge which must be displayed on the nearside of the windscreen of the vehicle in a prominent position so as to be clearly visible.
- Three 'no smoking' signs.

- The signs must be displayed in the 3 side passenger windows, facing outside and clearly visible.

All of the above must be maintained in a satisfactory condition at all times.

Any vehicle with CCTV must display a sign advising passengers that a CCTV system is in operation in the vehicle.

1.5 Additional markings applicable to Private Hire vehicles only

All licensed Private Hire vehicles must display two stickers stating “Advanced Booking Only”. These must be affixed to the rear passenger nearside and offside windows.

All Private Hire vehicles must display an approved roundel on the outside on both sides of the vehicle displaying the Private Hire Operator name, telephone number, company logo, email and/or website.

The Council can supply approved ‘Bus Lane’ stickers for Private Hire vehicles whose drivers wish to use the Borough’s bus lanes. The Council encourages Private Hire vehicles to display approved ‘Bus Lane’ stickers on the rear of the vehicle.

1.6 Tyres

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

Re-cut and Remoulded Tyres

Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- a) Nominal size;
- b) Construction type (e.g. radial ply);
- c) Load capacity; and
- d) Speed capability

Space Saver Tyres

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions

of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred. An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried.

Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed or replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

1.7 Luggage Rack

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

1.8 Change of Address

The proprietor shall notify the council in writing within seven days of any change of address during the period of the licence.

1.9 Accident Notification

The proprietor shall notify the council in writing within 72 hours of any accident involving the vehicle.

1.10 Deposit of Driver's Licence

If the proprietor permits or employs any other person to drive the vehicle as a Taxi or Private Hire vehicle, the proprietor shall retain the person's Taxi or Private Hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

1.11 Transfer of Interest

The proprietor shall notify the council in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person and pay the appropriate fee.

1.12 Additional Charges

The proprietor shall pay the council any reasonable additional charges to be determined by the council for the replacement of any lost, damaged or stolen plate, or sign provided by the council

(and which is required to be attached or displayed on or in the vehicle as a condition of this licence).

1.13 Insurance

All vehicles must have a current, valid, annual policy of insurance at all times appropriate to the vehicle, the certificate for which must be carried in the vehicle at all times and be made available for inspection on request by any authorised officer of the Council or any Police Officer .

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Team in writing immediately or in any event within 72 hours.

1.14 Smoking in Vehicles

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including any time when it is not being used for hire.

1.15 Unauthorised Use

The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Private Hire or Hackney Carriage driver's licence, as appropriate, issued by the Council.

1.16 Card Machines and Card Payments

Hackney carriage vehicles

From 1st September 2025, licensed hackney carriages shall have a machine or device available and on display within the vehicle for use by any customer on request to process bank debit and credit card payments and payments using applications on smart phones or devices.

The card machine or device must be in working order at all times, and the licensed vehicle cannot be used to carry passengers if this is not the case.

All hackney carriages must display signage that can be seen at all times from outside the vehicle on the off side of the vehicle that confirms card payments are accepted at all times.

Failure to ensure full compliance with these conditions will lead to an immediate suspension of the vehicle licence until full compliance is demonstrated in full to the satisfaction of an authorised officer of the authority unless the licensed driver can demonstrate circumstances outside of their direct control that rendered the card machine unusable at the relevant time.

Such suspensions will only be lifted, in such circumstances during normal office hours, Monday to Friday, by appointment only and between the hours of 09.00 and 17.00 hours.

Private hire vehicles

From 1st September 2025, licensed private hire vehicles shall have a machine or device available and on display within the vehicle for use by any customer on request to process bank debit and credit card payments and payments using applications on smart phones or devices if condition x below applies.

Any private hire vehicle that is operated by a private hire operator where the customer is permitted to pay the driver directly shall have a machine or device available and on display within the vehicle for use by any customer on request to process bank debit or credit card payments.

The card machine or device must be in working order at all times, and the licensed vehicle cannot be used to carry passengers if this is not the case.

All private hire vehicles must display signage that can be seen at all times from outside the vehicle on the off side of the vehicle that confirms card payments are accepted at all times.

Failure to ensure full compliance with these conditions will lead to an immediate suspension of the vehicle licence until full compliance is demonstrated in full to the satisfaction of an authorised officer of the authority unless the licensed driver can demonstrate circumstances outside of their direct control that rendered the card machine unusable at the relevant time.

Such suspensions will only be lifted, in such circumstances during normal office hours, Monday to Friday, by appointment only and between the hours of 09.00 and 17.00 hours.

Dealing with problems with card payments

All drivers must check that their card payment device is fully working before starting work. Should a problem occur, our advice to all drivers is:

- Ask the passenger to try their payment card again
- If the issue persists, ask the passenger whether they have another payment card or cash to pay for the fare
- If not, offer to take the passenger to the nearest cashpoint

If a passenger refuses to pay and an amicable agreement cannot be found, drivers should contact the police and wait at your location till police arrive to assist.

Drivers should always remain calm, and always act in a professional manner when dealing with customers. In the same instance drivers should always act in a civil and orderly manner towards their customers. For the driver's safety they are not expected to leave their cab should a problem with a payment arise.

Issues with card readers and reporting procedure

If a driver experiences any problems with their card payment device, they should contact the provider of the card payment system as soon as possible in order to report the problem and rectify the issue.

If you rent a vehicle then you must immediately report the problem to the proprietor so they can report this to the card payment device company and arrange for the device to be fixed or replaced, and provide you with a replacement vehicle if necessary. When reporting a problem, the card payment device company should be asked to provide:

- Confirmation that the problem has been reported
- Details of the appointment for the device to be fixed or replaced

This information must then be produced if you are stopped by a council officer before the card payment device has been fixed or replaced.

If you experience any problems with your card payment device outside of office hours you should follow the same steps as above. You can also contact the licensing team by emailing licensing@cheltenham.gov.uk explaining the issues occurred and inform the team of the issues.

Network data issues affecting payment

In the instance there is any network-wide data outage which affects card payment devices and payments, affected drivers should advise passengers before accepting the fare that they cannot take a card payment and explain to the passenger of the reason. Advise the passenger that cash payments can be taken and offer to take them to a cashpoint if required.

Appendix H – Advertising on Licensed Vehicles

Hackney Carriage Vehicles Required and Permitted Advertising

Third-party advertising

Third Party advertising is only permitted with prior written approval of the Council.

The following advertising will not be permitted:

- a) Anything of a religious or political nature;
- b) Alcohol or tobacco products;
- c) Any matter of a sexual nature or likely to cause offence;
- d) Any matter which is insulting, offensive or abusive.

The content of any advertising on the vehicle shall be legal, decent and truthful.

No words, letters or graphics may be displayed on any windows of the vehicle.

No advertisement will be permitted which impedes the vision of the driver.

The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission of the Council or for any reason affecting the appearance of the advertisement.

All materials used and affixed for advertising purposes on Hackney Carriage Vehicles must comply with current legislation which includes the Motor Vehicle (Construction and Use) Regulations and must not provide any risk of injury to drivers /passengers or pedestrians.

No secondary advertising of any kind will be permitted including the name of the company preparing the vehicle or the name of the advertising agency.

All advertisements must comply with the UK Advertising Standards Authority (ASA) Codes and it is the responsibility of the vehicle proprietor to ensure that they do so.

Advertising to do with crime and disorder or public safety issues such as advertising “Crime Stoppers” or Crime Prevention Matters will be permitted.

Exterior Advertising

The following surfaces are permitted for the use of exterior advertising on licensed Hackney Carriages, subject to the requirements above:

Full livery - advertising material covering the complete exterior body shell of the vehicle

Supersides - advertising material covering the exterior doors and wings on both sides of the vehicle, excluding the window area

Doors only - advertising material covering the exterior lower panels of both doors on both sides of the vehicle

Boot lid - advertising on the boot lid is permitted other than where it in any way obscures the licence plate.

Interior Advertising

Advertising is not permitted on any interior surface other than on the base of the two lift up seats, if applicable.

Private Hire Vehicles

Required and Permitted Advertising

Private Hire Vehicles are required to display an approved roundel on the outside of both front doors beneath the window displaying the Private Hire Operator name, telephone number, company logo, email and/or website.

Advertising of a Private Hire Operator's Logo and contact details will be allowed on the rear tailgate of licensed private hire MPVs and on the rear most nearside and offside windows of licensed private hire estate vehicles in the form of small logos provided written application has been made to the licensing section.

No vehicle may advertise an operator other than the one that has dispatched it.

No third-party advertising will be permitted on Private Hire vehicles other than advertising to do with crime and disorder or public safety issues such as "Crime Stoppers".

No advertisement will be permitted which impedes the vision of the driver.

Appendix I - Exemption from Requirement to Display Identification Plates and Signs (Private Hire Vehicles Only)

Introduction and Statement of Intent

The aim of this part of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates and other signage.

There are occasions when the requirement to display an external identification plate and other signage may have a negative effect in terms of commercial implications for the operating business. The display of a licence plate and other signage may deter some corporate customers from using the service and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.

The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

Plate exemption will only be granted by the Council where there is a genuine operational reason and business requirement, and where the Council is certain that the safety of the public will not be compromised as a result. For instance vehicles which convey passengers to and from airports may not be permitted the plate exemption.

Vehicle Requirements

The following vehicle requirements are in addition to the standard vehicle specification contained in Appendix E.

1. Applications for exemption from displaying external identification plates and other signage may be made in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
2. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.

3. Applications for exemption from displaying external identification plates and other signage may be considered where the following requirements are met:-
 - a) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.);
 - b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
 - c) The type of work undertaken must be 'Executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
 - d) Applications may only be made by a holder of a private hire vehicle licence issued by Cheltenham Borough Council.

Application procedure

To complete an application an applicant must:

- a) Submit a completed Private Hire plate exemption form;
- b) Provide documentary evidence in support of the application showing that the vehicle carries out 'executive work';
- c) Pay the appropriate application fee.

Officers will assess each application on its own individual merit.

Where an application is granted an exemption notice will issued as soon as practical after the decision is made. Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the window badge, advance booking stickers, no smoking stickers and the private hire operator's logo and contact details. The licence plate must be kept in the boot of the vehicle at all times.

Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

Conditions

In addition to standard conditions applicable to licensed vehicles (Appendix G), the following apply to all vehicles granted an exemption:

- a) Any vehicle granted an exemption from displaying an external identification plate will be required to keep the identification plate inside the boot of the vehicle at all times.
- b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- c) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- d) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a Private Hire vehicle.
- e) During the period of the exemption notice, the driver shall not be required to wear the Private Hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- f) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.
- g) The proprietor shall notify the Council in writing immediately of any change in the use of the vehicle.
- h) During the period of the exemption notice, the proprietor shall not use the vehicle for Private Hire purposes other than for executive use.
- i) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.
- j) A taximeter will not be installed in the vehicle.

Appendix J - Intended Use Policy for the Licensing of Hackney Carriages

Licensing a new Hackney Carriage Vehicle

Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the borough of Cheltenham under the terms of the licence for which the application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the borough of Cheltenham will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its merits.

Even where the applicant intends to ply for hire to a material extent within the borough of Cheltenham, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Renewing a Hackney Carriage Vehicle licence

Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the borough of Cheltenham under the terms of the licence for which the renewal application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the borough of Cheltenham will not be granted the renewal of their hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

Even where the applicant intends to ply for hire to a material extent within the borough of Cheltenham, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the renewal application will be refused.

Replacing a licensed Hackney Carriage Vehicle

Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the borough of Cheltenham will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the borough of Cheltenham, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

Transfer of ownership

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his or her interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor. (*R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd* [1947] KB 583)

Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.

Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the borough of Cheltenham under the terms of the licence in respect of the vehicle being transferred.

The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the borough of Cheltenham. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.

Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the borough of Cheltenham and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from within the borough of Cheltenham there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

Revocation of licence

Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the borough of Cheltenham but is subsequently found not to be plying for hire to a material extent within the borough of Cheltenham and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

Exceptional circumstances

Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within the borough of Cheltenham will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

Appendix K - Private Hire Operator's Licence Conditions

Records

The records required to be kept by the operator under s.56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- a) the name of the passenger;
- b) the time of the request;
- c) the pick-up point;
- d) the destination;
- e) the name of the driver;
- f) the driver's licence number;
- g) the vehicle registration number of the vehicle;
- h) the name of any individual that responded to the booking request;
- i) the name of any individual that dispatched the vehicle.

The operator shall also keep records of the particulars of all vehicles operated by him, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used. The operator shall also keep records of all desk clerks employed by him/her.

Copies of all vehicle and driver licences shall be kept by the operator.

The operator shall submit to the Licensing Section of Cheltenham Borough Council in writing at monthly intervals the names and vehicle licence numbers of all proprietors, drivers and desk clerks employed or used by him with the dates they commenced and ceased such employment or use if this occurred during the said month.

The desk clerk shall sign the booking sheet at the start of each duty.

All records kept by the operator shall be preserved for a period of not less than TWO years following the date of the last entry.

Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that all vehicles dispatched by them are maintained at all times in a safe and roadworthy condition.

Complaints

The operator shall notify the Council in writing, within 7 days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

Change of Operator's Home Address

The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

Change of Operator's Business Premises

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the Borough of Cheltenham).

Convictions and Cautions

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence.

Operator's Licence

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of the Borough of Cheltenham.

The Operator shall display the Operator's Licence issued by the Council in a conspicuous position at the licensed premises.

Signage

In the interests of public safety and to give confidence to the public the Operator shall ensure that the company logo is appended to the front nearside and offside doors of all vehicles operated by him/her. When an operator ceases to dispatch a vehicle, the operator shall ensure that the driver returns all such signage and livery to them.

Booking and dispatch staff

Operators shall ensure they have procedures in place to ensure all booking and dispatch staff have an annual basic DBS check. Operators shall ensure they have written policies and procedures in place to:

- ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Public Liability Insurance

Operators shall have at all times a current valid policy of public liability insurance for the premises they are licensed to operate from, if those premises are open to the public.

Appendix L - Diabetes Policy

Cheltenham Borough Council has determined that the following criteria must be met by all new applicants and existing holders of private hire and hackney carriage driver licences who have insulin treated or tablet-treated diabetes.

All applicants and existing licence holders must declare to the Council if they are diagnosed with any form of diabetes. Medical declaration forms for either insulin or tablet-controlled diabetes are available upon request from the Licensing department.

Treatment of diabetes with insulin

It is a requirement that the applicant has attended an examination by a hospital consultant specialising in the treatment of diabetes, who has provided a report confirming that the applicant:

- a) has a history of responsible diabetic control;
- b) currently has a minimal risk of impairment due to hypoglycaemia;
- c) has undergone treatment with insulin for at least four weeks;
- d) has full awareness of hypoglycaemia;
- e) has not, during the immediately preceding year, had an episode of severe hypoglycaemia;
- f) regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor;
- g) will continue to have annual reviews with a hospital specialist and provide evidence of this to the Council.

The applicant must provide a signed declaration that he or she:

- a) understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner;
- b) regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor;
- c) will immediately report to the Council in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or

one of the clinical team working under the supervision of that registered medical practitioner, concerning fitness to drive.

Treatment of diabetes with medication other than insulin Sulphonylureas, including the following:

- Chlorpropamide, Glibenclamide, Gliclazide, Glimepiride
- Glipizide, Glibense, Tolbutamide
- Glinides, which include the following tablets
- Nateglinide also known as Starlix
- Repaglinide also known as Prandin

It is a requirement that the applicant has attended an examination by a registered medical practitioner, who has provided a report confirming that the applicant:

- a) has a history of responsible diabetic control and currently has a minimal risk of impairment due to hypoglycaemia.
- b) has full awareness of hypoglycaemia;
- c) has not, during the period of one year immediately preceding the date when the licence is granted, had an episode of severe hypoglycaemia; and
- d) regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving.

The Council may request evidence of any of the above.

Provides a signed declaration that he or she:

- a) understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner;
- b) will immediately report to the Council in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or one of the clinical team working under the supervision of that registered medical practitioner, concerning fitness to drive.

Appendix M – Three Strikes Policy

1. The Council operates a policy for dealing with complaints, allegations and witnessed incidents of misconduct or infractions of a type which is not considered sufficiently serious in itself to justify a review of a person's suitability to hold a taxi or private hire driver, vehicle or operator licence, but which may give rise to such concerns if repeated or if regarded cumulatively with other such incidents.
2. Where complaints are substantiated for an applicable infraction, the council may consider issuing a formal written advice, particularly if it would be disproportionate or inappropriate to take formal legal action for the infraction. Such advice shall be issued only in situations where the investigating officer (or a reviewing officer) is satisfied that the infraction was committed, such as if they personally observed the infraction being committed, or if the results of the investigation into a complaint lead them to conclude on the balance of probabilities that the infraction was committed. This advice will remain on file for 12 months.
3. If a driver, operator or vehicle proprietor should receive three warnings for any combination of applicable infractions within a rolling period of 12 months, they shall be referred to the Council's Licensing Sub-Committee, for a review hearing into that individual's suitability to continue to hold the relevant licence.
4. In conducting such reviews, the Sub-Committee will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate to take. The Sub-Committee may also have regard to any previous warnings or Committee determinations in reaching a decision. The options available to the Sub Committee, depending upon the severity of the infractions and any previous record of misconduct, will typically be:
 - to take no further action;
 - to warn the licensee as to their future conduct;
 - to suspend the licence for a specified period, or until such time as certain conditions have been satisfied;
 - or to revoke the licence.
5. The existence of this guidance does not bind the Council, its officers or members to reach a particular decision in every case, and if the circumstances of a particular case support doing so it shall be open to the Council to select a different course of action in respect of that case, such as prosecution for a single infraction of a type listed below, or issuing an informal warning which does not count towards the cumulative total.
6. The following lists of applicable infractions are non-exhaustive, and similar infractions may be regarded in the same way, even if not specifically referred to below.

Applicable infractions – operators

- Failing to declare convictions / cautions in a timely manner
- Failing to produce operator licence on request
- Failing to maintain operators records complying with licence conditions, or to produce on request
- Touting of hire car services
- Abusive/improper behaviour by operator or staff
- Use of unapproved door signs on vehicles
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application
- Failing to inform the licensing authority that a licensed driver has ceased working for them
- Failing to submit monthly operator returns

Applicable infractions – drivers / vehicle proprietors

- Failing to declare convictions / cautions / motoring endorsements in a timely manner
- Failing to report accident
- Failing to produce vehicle/driver licence on request
- Failing to wear driver badge
- Failing to produce vehicle insurance certificate on request
- Failing to return licence plate / badge (following expiry, suspension or revocation)
- Using vehicle which is mechanically unsound / unsafe / excessively soiled
- Using vehicle at a time when it would not satisfy compliance standards
- Charging more than metered fare / use of incorrect tariff / previously agreed fare
- Non-display of fare card
- Prolonging journeys
- Tampering with taximeter seal, altering taximeter with intent to mislead
- Meter, radio or other equipment installed in dangerous position
- Non-display / incorrect display of licence plates
- Non-display of roof sign / door signs
- Display of roof/taxi sign on vehicle other than a hackney carriage
- Failure to carry first aid kit / fire extinguisher in vehicle
- Abusive/improper behaviour
- Driver improperly attired

- Touting
- Misuse of taxi ranks (obstructing or hindering other driver, preventing hiring)
- Hackney carriage driver refusing fare from taxi rank
- Private hire vehicle stopping on taxi rank
- Leaving hackney carriage unattended on a taxi rank
- Failing to deliver lost property to police station
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application
- Failing to inform licensing that they have moved to a different private hire operator

Police infractions

In addition to work undertaken by Cheltenham Borough Council officers, Gloucestershire Constabulary officers may issue warnings which will have the same effect under this policy, for any of the above infractions, or for the following general violations:

- Minor offences under Road Traffic Acts in respect of a hackney carriage or private hire vehicle
- Minor offences under the Road Vehicles (Construction and Use) Regulations in respect of a hackney carriage or private hire vehicle
- Minor public order offences in the course of use of a hackney carriage or private hire vehicle

In all cases, issue of a warning under this scheme by a police officer shall represent an alternative disposal option, and police shall retain the right to instead utilise any other disposal method (e.g. fixed penalty notice or legal proceedings) for any applicable offence where deemed appropriate.

More serious offences

The following offences are deemed sufficiently serious that they will be excluded from this scheme, with prosecution or committee referral likely to result from a single incident:

- Plying for hire without HCV licence (or driving or standing for hire)
- Using an unlicensed vehicle for private hire
- Driving a licensed vehicle without a valid HC/PH driver's licence
- Employing an unlicensed driver to drive a licensed vehicle
- Operating unlicensed vehicles, or operating vehicles without an operator's licence
- Refusing to accept booking to carry disabled passenger, or passenger with assistance dog

- Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct
- Carrying excessive number of passengers

Appendix N - Code of Good Practice for Licensed Drivers' Working Practices

About this Code

Licensed taxi and private hire drivers are exempt from the requirements set out by the EU Working Time Directive. As a consequence, there is no statutory national standard for acceptable and safe working hours for licensed drivers.

Excessive working hours can cause fatigue which can place the health and safety of drivers, passengers and other road users at risk.

This code is a guide for licensed operators, vehicle proprietors and licensed drivers alike, to make sure that everyone understands what fatigue is, how it can affect the safety of drivers and their passengers and what the council's expectations are for safe working practices in the trade.

It sets out a number of minimum standards regarding fatigue management and hours of work. In the absence of any specific legislation, these serve as benchmarks against which the council will measure the fitness and suitability of drivers and operators.

Recommended hours of work

The UK Government recommends the following safe working time for passenger-carrying vehicles and drivers:

Obligation on licensed drivers

- You must not work more than 16 hours between the times of starting and finishing work including non-driving work and any times when you're off (rest breaks).
- After 5 hours 30 minutes of driving you must take a break of at least 30 minutes for rest and refreshment.
- You must take a rest of 10 hours before the first duty and immediately after the last duty in a working week.
- You must take a rest of at least 10 hours between 2 working days
- All duties must start and finish within a 24-hour period.
- Every 2 weeks you must take at least one period of 24 hours off duty

- Hackney Carriage drivers should keep a record of their hours of work through whatever practical means and present this to authorised council officers on request within a reasonable timescale. The council will not prescribe the format but expects as a minimum the records to include dates and working times for that date.

Obligations on licensed operators

- Operators shall, as far as is reasonably practical, have procedures in place to ensure that all licensed drivers do not work in excess of the maximum hours outlined in the recommended hours of work.
- Operators shall, as far as is reasonably practicable, have plans in place to ensure that all their drivers are fit to work at the start of their shift (ie. they are not fatigued).
- Operators shall on request provide authorised council officers records of private hire working hours as recorded on the dispatch system.

Indicators of fatigue

- Not feeling refreshed after sleep
- Falling asleep at work
- Loss of concentration at work, leading to increased errors or lack of awareness of danger (eg. drifting out of lane when driving)
- Poor visual perception - even hallucinations - in poor light/weather conditions
- The need for extended sleep during days off
- The need for frequent naps in leisure time

Ways to avoid fatigue

- Ensure you take plenty of rest breaks
- Avoid extended reliance on artificial aids such as loud radios, bright lights or “blowby” airconditioners
- Don't rely on the prolonged use of stimulants such as caffeine drinks or drugs.
- If you feel sleepy, stop work and take a 20-minute “power nap”. If this does not work then go home and get some proper rest
- If you “nodded off” in your vehicle for any length of time, stop work immediately and get some rest
- When switching from day to night shifts (or vice-versa) take a 24-hour break in between
- Get 7.5 hours quality sleep every 24 hours

Appendix O – Partition Screens in Licensed Vehicles

Introduction

1. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed in purpose built hackney carriages as a safety feature to protect the driver from physical attacks or theft..
2. Purpose built hackney carriages are already fitted with partitions between drivers and passengers. However, licensed saloon vehicles do not have partitions/safety screens installed. There are a wide variety of different makes and model of these vehicles licences in Cheltenham.
3. Whilst a partition screen between drivers and passengers will not provide 100% protection against transmission of the coronavirus, evidence shows that the use of physical barriers is effective in lowering the rate of infection and spread of the virus.
4. Whether a partitions or screens should be installed is a matter for vehicle owners, drivers and/or operators to consider.
5. This policy outlines the authority's policy on the installation of partitions or screens in hackney carriages or private hire vehicles. Any queries can be directed to licensing@cheltenham.gov.uk.

Specification

The partition or screen:

1. must comply with the Road Vehicle (Construction and Use) Regulations.
2. must be professionally and securely fitted and maintained in accordance with the manufacturer's instructions. Certification from the fitter must be obtained to certify the safety of the installation and confirmation it has been fitted to manufacturers standards.
4. should be constructed with a transparent polyvinyl chloride (PVC) or polycarbonate and be of firm design.
5. should not impede the driver's vision, movement, or communication with passengers.
6. should not impede driver or passenger access or egress to the vehicle.
7. must be fitted in such a way so as not to affect the structural integrity of the vehicle or interfere or affect any manufacturer fitted safety equipment or features including headrests, seatbelts, airbags, egress points, CCTV.
8. must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.

9. must not affect the ability of the vehicle to be properly insured for the purpose of carrying persons for hire and/or reward.
10. must not adversely influence or interfere in any way with vehicle type approval.
11. should not be significantly changed or modified from the original manufactured design.
In cases where it is necessary to modify the original design of the device (for example, to facilitate installation of the device in the vehicle), assurances should be sought from the supplier/installer that the modification does not raise any concerns in relation to safety of the device and complies with the relevant UK and/or EC safety legislation.
12. should remain clear and be free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.

Approval Procedure

In accordance with the conditions attached to private hire and hackney carriage vehicle proprietors licences, permission must be sought prior to any vehicle alternations including installation of a partition or screen in any vehicles licensed by Cheltenham Borough Council.

Permission can be sought by completion of the correct form and returning it to the authority by email to licensing@cheltenham.gov.uk.

The authority reserves the right to seek any additional information that it might require including, but not limited to:

1. Technical specifications on any partition or screen installed;
2. Written confirmation that any partition or screen installed has been done so professionally and in accordance with the manufacturers requirements and specifications;
3. Confirmation that the vehicle's insurance cover has not been affected by the installation of the partition or screen; and/or
4. Written confirmation from the vehicle's manufacturer that the installation of the partition or screen does not compromise the integrity of the vehicle structure.

Appendix P - Medical Exemption Policy

1. Background Information

The Equality Act 2010 means that employers and service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Cheltenham Borough Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and Private Hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on drivers of designated wheelchair accessible Taxis and Private Hire Vehicles;

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on drivers of Taxis and Private Hire vehicles;

- To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

2. What is a Medical Exemption?

In some circumstances a driver of a designated Taxi or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

3. How to apply for a Medical Exemption

To apply for a Medical Exemption Certificate, a driver must submit an exemption application form and obtain written evidence from their doctor and/or specialist detailing exactly what duties cannot be undertaken and why.

Upon receipt of the doctor's note, the Licensing Section will provide a temporary exemption certificate which will cover the driver for a period of up to three months. The Licensing Section will consider the evidence presented and may require further information, where appropriate. If the officer is satisfied on the basis of information provided, they may approve such an application. If not, then the driver will be required to be referred to the authority's Occupational Health provider and pay any costs for them to consider the application.

If the evidence states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time, a temporary exemption notice will be issued with an expiry date in line with the information provided on the doctor's note. Upon expiry, the Licensing Section will deem drivers fit to undertake all duties unless a second doctor's note is received. Upon receipt of a second doctor's note, the referral process will be initiated as detailed above.

Upon expiry of the temporary exemption certificate, the certificate must be returned to Licensing Section. Failure to do so in a reasonable timeframe might result in the suspension of a driver's licence on the basis of being fit and proper.

If the referral process to occupational Health is initiated, the driver will receive further information from the Occupational Health provider. The licensing section will contact the driver to discuss the outcome of the referral.

- If the driver is declared fit for work, the temporary exemption certificate must be returned to the Licensing Section.

- In the event of a recommendation to make reasonable adjustments, the licensing section will consider an extension to the temporary exemption certificate to allow the driver to make necessary reasonable adjustments.
- If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Certificate will be issued. The exemption may be reviewed every one to five years, with reference to expert medical evidence, and each case will be reviewed on its own merits.

4. Appeals Process

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.

Vehicle emissions consultation feedback

Consultation:

We have recently conducted a consultation with regards to our aspirations in relation to taxi and private hire vehicle emissions. The proposed wording was:

'For hackney carriage vehicles, all vehicles from their renewal date in 2026 must be at least Euro 6 emissions or better and the Authority will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions.

For private hire vehicles, all vehicles from their renewal date in 2026 must be at least Euro 6 emissions or better and it is the Authority's aspiration that it will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions'.

Due to feedback, we have revised the wording and ask for your views on the wording being implemented later this year:

'The authority will only licence new hackney carriages and private hire vehicles from 1st January 2030 where they are ultra-low emission or zero emission vehicles. Ultra-low Emission Vehicles (ULEVs) produce less than 75g/km of CO₂ tailpipe emissions and have a zero-emission range of at least 10 miles. It is proposed that 1 January 2030 is the date from which new vehicle licence applications would no longer be accepted for vehicles emitting 75g/km of CO₂ or more.

This lead period gives time for the trade to prepare, whilst allowing other neighbouring licensing authorities time to consult on and approve this requirement, ensuring a level playing field in the industry across the county and wider regions. If this is approved, there will be a review of the situation in 2029. If other Gloucestershire licensing authorities have failed to implement a restriction on non-ULEVs vehicles, then it will be recommended that the policy should not be implemented. This is because the authority's own policy will simply be circumvented by the trade 'licence shopping' and applying elsewhere. Thereby, the authority will lose control of those working in the Borough and emissions would not be reduced. The authority will proactively work to encourage neighbouring authorities to implement the same ULEZ or zero-emission vehicle policy'.

Stakeholder comments:

Cllr Paul Baker:

I am very supportive of this proposed change. It gives our taxi drivers more time and is a much more flexible approach which I hope other districts will follow. It also goes some way to helping us achieve our Net Zero ambitions in a more collaborative way,

Gloucestershire County Council:

Thank you for the opportunity to comment on Cheltenham Borough Council's revised proposal regarding taxi and private hire vehicle emissions.

I've reviewed the policies currently in place across Gloucestershire's district councils and compiled a comparative summary to support our response. Based on this review, I would like to offer the following observations:

- **Stroud and Tewkesbury** have adopted clear, phased approaches that transition both new and renewal applications toward ULEV and EV standards, with defined timelines and review points.
- **Cheltenham's revised proposal** aligns with this direction in principle, but its implementation is conditional on neighbouring authorities adopting similar standards. The 2029 review clause, as currently framed, feels more like a fallback than a firm commitment to regional collaboration.
- **Cotswold and Forest of Dean** continue to apply age-based licensing policies, with no defined emissions targets or transition plans.
- **WAV exemptions** are common across districts but vary in application, contributing to inconsistency in enforcement.

Whilst Cheltenham's proposal is broadly in line with the long-term direction of travel, it would be helpful to see a clearer commitment to working with other districts to support a joined-up approach. This would not only benefit current coordination efforts but would also help facilitate smoother transitions as governance structures across the county evolve.

That said, it's important to acknowledge that not all areas of the county are in the same position. More rural districts may face greater challenges in transitioning to EV taxis due to limited charging infrastructure and longer travel distances. We would therefore like to see Cheltenham take a leading role for Gloucestershire. A flexible approach that allows for local variation whilst aligning review points and long-term goals could help reduce licence shopping, support fairer competition, and contribute more effectively to GCC's wider decarbonisation objectives.

Cllr Richard Pinegar, CBC

Thank you for sharing the revised proposal on taxi and private hire vehicle emissions. My apologies that this response is slightly delayed compared to the deadline but importantly, it has been prepared in consultation with the climate team.

I appreciate the thoughtful adjustments made in response to consultation feedback, and I am broadly supportive of the revised wording. While the inclusion of Ultra-Low Emission Vehicles (ULEVs) beyond 2030 does represent a shift from the original ambition of zero-emission-only licensing, I believe we can still achieve a **net zero taxi fleet by 2030** through proactive engagement and regional collaboration.

My priority is to ensure that we **transition to zero-emission vehicles wherever possible**, without destabilising the taxi trade in Cheltenham. Taxi drivers are a vital part of our community, and any policy must balance environmental ambition with economic realism. I believe the market will naturally favour electric vehicles by 2030 due to improvements in affordability and range, and I am committed to working with the trade to support that transition.

To strengthen our position and maintain public trust, I recommend the following additions to the policy wording:

"The authority will work towards ensuring that all licensed hackney carriages and private hire vehicles operating in Cheltenham are zero-emission vehicles by 2030, in line with the borough's Climate Emergency commitment. While ULEVs may be licensed during the

transition, the council will actively support and incentivise the shift to full zero-emission compliance.”

“A formal review will be conducted in 2029 to assess progress toward full zero-emission licensing. This review will consider market conditions, regional alignment, and the readiness of the trade, and will inform any necessary policy adjustments to meet the 2030 net zero target.”

Note that these will require some tracking of vehicles to allow a formal review in 2029, I trust that this is feasible.

I also intend to work closely with **Climate Leadership Gloucestershire** to encourage alignment across neighbouring authorities. A coordinated approach will help prevent licence shopping and ensure that our climate goals are met without disadvantaging local operators.

Thank you again for your work on this important issue.

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Review of Taxi and Private Hire Licensing Policy - emission polic



Key

Green	Significant and/or long-term positive impact identified. No changes needed.
Yellow	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
Grey	Not applicable or no cause for concern.
Orange	Slight or short-term negative impact identified. Review to identify possible improvements.
Red	Significant and/or long-term negative impact identified. Changes needed before proceeding.

This summary of the CIAT should be used to aid your decision making. Please note that red/amber segments simply mean that mitigations and changes should take place not that the project cannot go ahead.

Environmental	Scores	Justification	Recommendation
GHGs	-1	Following the consultation of the Taxi and Private Hire Licensing Policy in July 2025, it was made clear that the policy expectations needed to be revised to be realistic. The council will continue to aim for licensed taxi's and private hire vehicles operating in Cheltenham are zero-emission vehicles by 2030, in line with the borough's Climate Emergency commitment. While ULEVs may be licensed during the transition, the council will actively support and incentivise the shift to full zero-emission compliance. Efforts through Climate Leadership Gloucestershire will also be made to ensure that alignment across the county. Whilst this adjusted wording in policy may lead to GHG's being emitted in the short term, overall the policy encourages the transitions to zero-emission vehicles.	0
Air quality	-1	For the same reasons stated above.	0
Sustainable Transport	2	This policy in increasing the demand for EV charging infrasturcture within the borough, further supporting the transition to away from fossil fuels and towards a more sustainable transport system.	0
Land use change	0	NA	0

Biodiversity	0	NA	0
Soil and waterway health	0	NA	0
Climate Change Adaptation	2	The policy overall is increase climate adaptation as it is setting the expectations for future vehicle use within the borough to be low emission and not fossil fuel dependent.	0
Energy Use	-2	The transition away from fossil fuel intensive practices heavily relies on electrification, which ultimately will result in higher energy use.	0
Sustainable Materials	0	NA	0
Waste	0	NA	0

Social	Scores	Justification	Recommendation
Food	0	NA	0
Health	8	By adopting the suggested wording this will result in a decrease of emissions relating taxi and private hire vehicle, this will have positive knock on benefits for air quality and therefore the health and wellbeing associated with reduced air pollutants. We have adjusted the target to support the trade, to ensure this policy is achievable.	0
Housing	0	NA	0
Education	4	Many licenced drivers have SEND contracts with educational institutions across the county, therefore this policy needs to support the transition to low emission vehicles in a manageable way, to ensure key services such as this are still able to be carried out.	0
Community	2	The availability of EV charging infrastructure has been a key consideration to why the aspirations within this policy have been adjusted. Currently there is not adequate EV infrastructure to support the 2030 zero emission policy.	0
Culture	2	Ensuring there is access to taxi's and private hire vehicles is essential for supporting cultural and economic activity within the borough, the revision of the 2030 zero emission target supports this.	0

Accessibility	4	The previous policy presented a financial barrier to taxi and private hire drivers, therefore these adjustments in policy allow more time for the trade to financial prepare to comply. Also, the EV sector with become more cost-effective over time.	0
Local Economy and Jobs	4	The taxi and private hire trade is people's livelihoods within the borough, creating employment and providing services which supports economic activity. Therefore, the policy expectations need to be realistic and achievable for this sector and the people who rely on it.	0
Safety	0	NA	0
Equity	1	The adjusted wording of policy ensure fair and just treatment of all taxi and private hire drivers.	0
Democratic Voice	2	Full public consultation occurred initially, this is when we received written feedback from taxi and private hire drivers. Following this, specific stakeholder engagement with relevant CBC & GCC officers and cabinet members to consultant on the revised wording.	0

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Introduction

An Equality Impact Assessment (EqIA) is a method for assessing the effects or impacts of a council policy or function on removing barriers to equality.

The Equality Act 2010 includes a public sector equality duty which requires public authorities to try and eliminate discrimination; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and promote equality and good relations across a range of protected characteristics.

The protected characteristics are:

Age	Disability	Gender Reassignment
Marriage and civil partnership	Pregnancy and maternity	Race
Religion or belief (including lack of belief)	Sex	Sexual orientation

An EqIA should be completed with the full range of protected characteristics considered during the initial stages of developing new strategies, policies, functions or services, prior to starting a procurement exercise and before decisions are made.

Examples of when an EqIA should be completed are:

- | | |
|--|--|
| <ul style="list-style-type: none">Any proposals to introduce or add to a service | <ul style="list-style-type: none">Any proposals to adopt policy priorities, strategies and plans |
| <ul style="list-style-type: none">Any proposals to remove, reduce or alter a service | <ul style="list-style-type: none">Changes to staffing structure where groups of employees are likely to be negatively affected |
| <ul style="list-style-type: none">Any new policies or changes to policies | <ul style="list-style-type: none">Any proposals in relation to procured or commissioned services |

Stage 1 - Equality Screening

Whenever a policy/service or function is reviewed, changed, developed or removed an initial equality impact assessment stage 1 will need to be undertaken. This is a screening template and will help establish whether a full assessment is needed. This should be done at an early stage of the process so that it is part of policy development.

Stage 2 – Equality Impact Assessment

This is the full EqIA and seeks to identify the equality considerations that have been taken into account including any mitigating actions proposed and ensures decisions are based on evidence. The EqIA will need to be agreed with the appropriate Head of Service or Director and should be included on the decision making report, along with commentary on the assessment in the main body of the report.

1. Identify the policy, project, function or service change

a. Person responsible for this EqIA

Officer responsible: Michelle Bignell

Service Area: Public Protection

Title: Licensing and Public Protection Manager

Date of assessment: October 2025

Signature:

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Is this new or existing?

Already exists and is being reviewed

Please specify reason for change or development of policy, function, strategy, service change or project

Policy review

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

Update emissions policy for licensed taxi and private hire vehicles

Objectives:

Outcomes:

Benefits:

e. What are the expected impacts?

Are there any aspects, including how it is controlled or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Unsure

Please provide an explanation for your answer:

It is proposed to approve an emissions policy in terms of carbon neutral aspirations. The cost of ULEV and EV vehicles could be detrimental to the licensed trade should they be forced to comply with a 2030 date. Also, the infrastructure would need to be present to enable licence holders to be able to charge their vehicles.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

Yes

Owner of Stage Two assessment

Completion date for Stage Two assessment

STAGE 2 – Full Equality Impact Assessment

The best approach to find out if a policy etc, is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those equality groups.

a. Research and evidence

List below any data, consultations (previous, relevant, or future planned), or any relevant research, studies or analysis that you have considered to assess the policy, function, strategy, service change or project for its relevance to equality.

The [Department for Transport \(DfT\) best practice guidance](#) (section 8.9) recommends that the local authority delivers a mixed fleet as some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.

It is recommended that a demand survey is carried out every 5 years. We will commit to working with accessibility groups to deliver this.

b. Consultation

Has any consultation be conducted?

Yes

As set out in 4.1 of report.

3. Assessment

a. Assessment of impacts

For each characteristic, please indicate the type of impact (positive – contributes to promoting equality or improving relations within an equality group, neutral – no impact, negative – could disadvantage them).

Please use the description of impact box to explain how you justify the impact and include any data and evidence that you have collected from surveys, performance data or complaints to support your proposed changes

Protected Characteristic	Specific Characteristic	Impact	Description of impact	Mitigating Action
AGE	Older people (60+)	Neutral	None identified	None identified
	Younger People (16-25)	Neutral	None identified	None identified
	Children (0-16)	Neutral	None identified	None identified
DISABILITY A definition of disability under the Equality Act 2010 is available here . <i>See also carer responsibilities under other considerations.</i>	Physical disability	Positive and negative	May/may not be enough Wheelchair Accessible Vehicles (WAV's) for demand due to the cost of vehicles	To continue to commit to working with disability groups to ensure that we are regularly assessing the demand for WAV's
	Sensory Impairment (sight, hearing)	Positive and negative	May/may not be enough Wheelchair Accessible Vehicles (WAV's) for demand due to the cost of vehicles	To continue to commit to working with disability groups to ensure that we are regularly assessing the demand for WAV's
	Mental health	Neutral	None identified	None identified
	Learning Disability	Neutral	None identified	None identified
GENDER REASSIGNMENT		Neutral	None identified	None identified
MARRIAGE & CIVIL PARTNERSHIP	Women	Neutral	None identified	None identified
	Men	Neutral	None identified	None identified
	Lesbians	Neutral	None identified	None identified
	Gay Men	Neutral	None identified	None identified
PREGNANCY & MATERNITY	Women	Neutral	None identified	None identified
RACE*	White	Neutral	None identified	None identified

Further information on the breakdown below each of these headings, is available here . For example Asian, includes Chinese, Pakistani and Indian etc	Mixed or multiple ethnic groups	Neutral	None identified	None identified
	Asian	Neutral	None identified	None identified
	African	Neutral	None identified	None identified
	Caribbean or Black	Neutral	None identified	None identified
		Neutral	None identified	None identified
RELIGION & BELIEF** A list of religions used in the census is available here	See note	Neutral	None identified	None identified
SEX (GENDER)	Men	Neutral	None identified	None identified
	Women	Neutral	None identified	None identified
	Trans Men	Neutral	None identified	None identified
	Trans Women	Neutral	None identified	None identified
SEXUAL ORIENTATION	Heterosexual	Neutral	None identified	None identified
	Lesbian	Neutral	None identified	None identified
	Gay	Neutral	None identified	None identified
	Bisexual/Pansexual	Neutral	None identified	None identified
Other considerations				
Socio-economic factors (income, education, employment, community safety & social support)		Negative	Possibly detrimental to licensed trade due to costs of replacement vehicles	Commitment to working with all stakeholders to ensure that the approach is achievable
Rurality i.e. access to services; transport; education; employment; broadband		Negative	If there is a reduction in licensed vehicles due to costs/infrastructure of EVCP's then this could reduce vehicle	Commitment to working with all stakeholders to ensure that the approach is achievable

			numbers making it more difficult to navigate the Borough and beyond	
Other (e.g. caring responsibilities)		Neutral	None identified	None identified

* To keep the form concise, race has not been included as an exhaustive list, please augment the list above where appropriate to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions in the census is available [here](#)

4. Outcomes, Action and Public ReportingPage 224

a. Please list the actions identified through the evidence and the mitigating action to be taken.

Action	Target completion date	Lead Officer
To liaise with other licensing authorities through the County Officer Group meetings to continue to keep up to date with any policy changes	Bi-monthly meetings	Michelle Bignell
Undertake a review of policy wording in 2028	31 December 2028	Michelle Bignell

b. Public reporting

All completed EqlA’s are required to be publicly available on the Council’s website once they have been signed off. EqlA’s are also published with the papers for committee and full council decisions.

Please send completed EqlA’s to [email address]

5. Monitoring outcomes, evaluation and review

The Equalities Impact Assessment is not an end in itself but the start of a continuous monitoring and review process. The relevant Service or Lead Officer responsible for the delivery of the policy, function or service change is also responsible for monitoring and reviewing the EqlA and any actions that may be taken to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from Corporate Policy and Governance will be available to provide support and guidance, please email xxxx if you have any questions.

6. Change log

Name	Date	Version	Change

Cheltenham Borough Council

Full Council – 15 December 2025

Adoption of Hackney Carriage Byelaws

Accountable member:

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

Accountable officer:

Michelle Bignell, Licensing and Public Protection Manager

Ward(s) affected:

All

Key Decision: No

Executive summary:

In November 2023, the Department for Transport (DfT) published revised model byelaws for hackney carriages and are best practice for licensing authorities to adopt.

Recommendations:

1. That Council **RESOLVE** to the Hackney Carriage byelaws dated 26th June 2012 be repealed and the revised model byelaws attached at Appendix 2 be adopted.
-

1. Implications

1.1 Financial, Property and Asset implications

There are no financial implications arising from this report.

1.2 Legal implications

As contained in the report, the new byelaws are intended to replace the existing out-dated byelaws.

A resolution will need to be published, and the revised byelaws will need to be sealed by the Secretary of State.

Signed off by: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

There are no financial implications arising from this report.

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

Not required.

1.6 Performance management – monitoring and review

Through normal service delivery.

2 Introduction

2.1 The Local Government (Miscellaneous Provisions) Act 1976 does not permit a Local Authority to attach conditions to a Hackney Carriage driver licence.

2.2 The only means of conditioning a Hackney Carriage driver's licence is by way of byelaws made under Section 68 of the Town Police Clauses Act of 1847 and Section 171 of the Public Health Act 1875.

2.3 Cheltenham Borough Council's current byelaws date back to March 2012 and, therefore, need updating. A copy of the current byelaws is attached at **Appendix 2**.

2.4 The Department for Transport ("DfT" hereafter) has developed model byelaws. Attached at **Appendix 3** is a copy of the current DfT Model Byelaws for Hackney Carriages.

2.5 The Council's constitution delegates the power to make and revoke byelaws to Full Council on the recommendation of the Licensing Committee the Council is therefore asked to consider the adoption new model byelaws for Hackney Carriages.

3 Background

3.1 As already mentioned, the only means to deal with Hackney Carriage driver licence conditions is by way of byelaws.

3.2 By virtue of section 68 of the Town Police Clauses Act of 1847, bye laws can be used for:-

Page 227

(a) regulating the conduct of proprietors and drivers of hackney carriages plying for hire within the Borough of Cheltenham, determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their duty,

(b) regulating the manner in which the number of each carriage shall be displayed,

(c) regulating the number of persons to be carried by hackney carriages, and in what manner such number is to be shown on vehicles,

(d) fixing the stands of such hackney carriages, and the distance to which they may be compelled to take passengers,

(e) fixing the rates or fares and for securing the due publication of such fares,

(f) securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

3.3 The current Hackney Carriage byelaws are out of date with modern life and as a result, the effect of this is that the current Hackney Carriage driver licence “conditions” are largely irrelevant and therefore also largely unenforceable.

3.4 The DfT model byelaws have been brought up to date and is a nationally accepted set of byelaws adopted by most Local Authorities in England and Wales. The model byelaws therefore provide a pragmatic solution to Cheltenham Borough Council's current out of date byelaws.

3.5 When considering making hackney carriage byelaws the DfT suggests that as a first step, licensing authorities will want to consider whether their regulatory objectives - in terms of exerting controls over taxi owners and drivers - can best be achieved by attaching conditions to licences or by making byelaws.

3.6 Having considered the matter carefully, the DfT takes the view that the byelaw making power in the 1847 Act should be considered in the context of local authorities' wider responsibilities in relation to hackney carriage licensing i.e. that the purpose of the power is to enable local licensing authorities to regulate hackney carriage drivers and proprietors in such a way as to ensure that they are fit and proper persons and in order to ensure the safety of the travelling public.

3.7 Any request for provisional approval of byelaws which deviate from the model should be accompanied by an explanation of the policy objective, a justification of their validity and confirmation that the byelaws have been approved by legal advisers.

3.8 The Local Government Act 1972 gives the Secretary of State power to confirm or refuse byelaws which are submitted to her/him and confirmation depends on validity.

3.9 Although there is scope for the Council to deviate from the model, officers do not consider this to be necessary. The Council has recently adopted a comprehensive Taxi and Private Hire policy that took effect in July 2025. This policy together with the model byelaws is considered sufficient to ensure applicants are fit and proper persons and to ensure the safety of the travelling public. It is therefore considered that the model byelaws provide a pragmatic solution to Cheltenham Borough Council's current out of date byelaws.

4 Consultation

4.1 At the March Licensing Committee, members agreed to carry out a 12-week consultation with all licence holders.

4.2 There were two responses made which were irrelevant to the proposed byelaws.

5 Alternative options considered

5.1 The Council can resolve not to adopt the updated DfT model byelaws. However, this is not a desirable outcome and could pose a number of risks to the Council as outlined in Appendix 1.

6 Key risks

6.1 As outlined in Appendix 1.

Report author:

Michelle Bignell, Licensing and Public Protection Manager michelle.bignell@cheltenham.gov.uk

Appendices:

Appendix i: Risk Assessment

Appendix ii: Current byelaws

Appendix iii: Proposed model byelaws

Background information:

1 [DfT Best Practice Taxi and Private Hire Guidance](#)

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
	The Council can resolve not to adopt the updated DfT model byelaws. However, this is not a desirable outcome.	Head of Public Protection	2	2	4	Accept	Adopt byelaws	Licensing and Public Protection Manager	December 2025
	If the Council does not resolve to adopt the updated byelaws there is a risk that public safety could be comprised by out of date control measures.	Head of Public Protection	2	2	4	Accept	Adopt byelaws	Licensing and Public Protection Manager	December 2025
	If the Council does not resolve to adopt the updated byelaws there is a risk that the Council could be subject to legal challenge for not enforcing its own adopted byelaws.	Head of Public Protection	2	2	4	Accept	Adopt byelaws	Licensing and Public Protection Manager	December 2025

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CHEL TENHAM

BOROUGH COUNCIL

Byelaws for Hackney Carriages

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by Cheltenham Borough Council with respect to hackney carriages in the Borough of Cheltenham.

Interpretation

1. Throughout these byelaws "the Council" means Cheltenham Borough Council and "the district" means the Borough of Cheltenham.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall -
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -

- Page 232
- (a) the taximeter shall be fitted with a key device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

- 5. The driver of a hackney carriage provided with a taximeter shall –
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired -
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

- Page 233
9. The driver of a hackney carriage shall bvil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

(ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
 - (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

Page 234

(b) be entitled to receive from any person property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

19. The series of byelaws relating to hackney carriages which were made by:

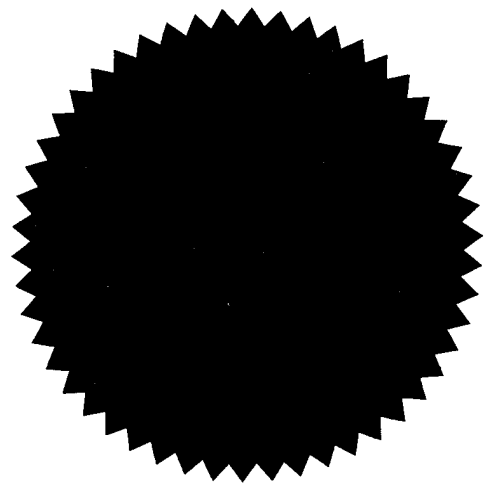
- (a) The byelaws relating to hackney carriages which were made by Cheltenham Borough Council on the 22nd day of November 1951 and which were confirmed by Mayor, Aldermen and Burgesses of the Borough of Cheltenham on the 1st day of October 1951;

are hereby repealed.

THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF CHELTENHAM affixed hereto)
this 23 day of March 2012 is)
authenticated by the undersigned a)
person authorised by the said)
Council to act for that purpose)

LS

Seal No.



270956

SD French
Borough Solicitor/Authorised Officer

The foregoing byelaws are hereby)
confirmed by the Secretary of State)
for Transport on 26/6/12 and shall)
come into operation on 26/7/12)

LS

Anthony Fern

26/6/2012
Secretary of State for Transport

Member of the Civil Service



Model Byelaws for Taxis

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR



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Introduction

The Government's Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England sets out that, as well as setting licensing requirements and imposing conditions, licensing authorities may introduce byelaws to assist them in the regulation of the taxi sector. The Department has produced a set of byelaws as a basis for licensing authorities in England. The model byelaws cover the range of standard controls which most licensing authorities would want to impose and we would expect licensing authorities to base their byelaws on the model.

Specific guidance to assist licensing authorities in England who are considering making taxi byelaws under section 68 of the Town Police Clauses Act 1847 is also [available](#).

Model Byelaws for Taxis

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of [*name of council*] with respect to taxis in [*name of district*].

Interpretation

1. Throughout these byelaws “the Council” means [*name of council*] and “the district” means [*name of district*].
2. "Taxi" means a hackney carriage as defined in section 38 of the Town Police Clauses Act 1847.

Provisions regulating the way the number of each taxi corresponding with the number of its licence, shall be displayed

3. (a) The proprietor of a taxi shall cause the number of the licence granted in respect of the taxi to be legibly painted or marked on the outside and inside of the taxi, or on plates affixed thereto.
- (b) A proprietor or driver of a taxi shall -
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the taxi is standing or plying for hire; and
 - (ii) not cause or permit the taxi to stand or ply for hire with any such painting marking or plate so defaced that any figure or material is illegible.

Provisions regulating how taxis are to be furnished or provided

4. The proprietor of a taxi shall:-
 - (a) provide sufficient means by which any person in the taxi may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide means for securing luggage if the taxi is so constructed as to carry luggage; and
 - (h) provide at least two doors for the use of persons conveyed in such taxi and a separate means of ingress and egress for the driver.
5. ¹The proprietor of a taxi shall cause any taximeter with which the taxi is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say –
- (a) the word “HIRED” to appear on the face of the taximeter when in action;
 - (b) the taximeter shall be capable of being locked in such a position that it is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the taxi by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word “FARE” shall be displayed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are always plainly visible to any person being conveyed in the taxi, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the taxi with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of taxis plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

6. The driver of a taxi provided with a taximeter shall –

¹ (a) An assurance should be given that proprietors of taxis already fitted with taximeters will have no difficulty in complying with the byelaws relating to taximeters and, where the byelaws will require all taxis to be fitted with meters, that the other proprietors will be able to obtain and fit suitable meters and “FOR HIRE” signs by the time the byelaws may be expected to come into operation.

(b) Where the Council wishes to require all taxis to be fitted with a taximeter, the following form of words may be used:

“The proprietor of a taxi shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-“

(c) Where taximeters are not in use and their use cannot be foreseen, model byelaws 5, 6 and 7 may be omitted, the heading preceding model byelaw 6 should remain.

- (a) when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the taximeter into action so that the word "HIRED" is legible on the face of the taximeter and keep it in action until the termination of the hiring; and
 - (c) cause the display of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
7. A proprietor or driver of a taxi shall not tamper with or permit any person to tamper with any taximeter with which the taxi is provided, with the fittings thereof, or with the seals affixed thereto.
8. The driver of a taxi shall, when plying for hire in any street and not actually hired –
- (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of their arrival, is occupied by the full number of taxis authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of taxis authorised to occupy it, station the taxi immediately behind the taxi or taxis on the stand and so as to face in the same direction; and
 - (d) from time to time, when any other taxi immediately in front is driven off or moved forward cause their taxi to be moved forward so as to fill the place previously occupied by the taxi driven off or moved forward.
9. A proprietor or driver of a taxi, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such taxi.
10. The driver of a taxi shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a taxi who has agreed or has been hired to be in attendance with the taxi at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such taxi at such appointed time and place.
12. A proprietor or driver of a taxi shall not convey or permit to be conveyed in such taxi any greater number of persons than the number of persons specified on the plate affixed to the outside of the taxi.
13. If a badge has been provided by the Council and delivered to the driver of a taxi they shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

14. The driver of a taxi so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which they may take up or set down such person.

Provisions fixing the rates or fares to be paid for taxis within the district and securing the due publication of such fares

15. (i) The proprietor or driver of a taxi shall be entitled to demand and take for the hire of the taxi the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring their desire to engage by time.
- (ii) ²Where a taxi furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
16. (i) The proprietor of a taxi shall cause a statement of the fares fixed by council resolution to be exhibited inside the taxi, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a taxi bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the taxi is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in taxis, and fixing the charges to be made in respect thereof

17. The proprietor or driver of a taxi shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the taxi for any property which may have been accidentally left therein.
18. The proprietor or driver of a taxi shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to them

² This provision should be included whether or not taximeters are introduced in case they are introduced on a voluntary basis before further byelaws are made.

- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council³ and leave it in the custody of the officer in charge of the office on their giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws⁴

20. The byelaws relating to taxis which were made by Council⁵ on the day of and which were confirmed by⁶ on the day of are hereby repealed.

³ It may be desired to substitute “a police station in the district”. In this case, an assurance will be required that the consent of the police has been obtained.

⁴ If there are no byelaws in force upon the subject, this should be stated, and the clause struck out.

⁵ State the names in full of all local authorities whose byelaws are to be repealed.

⁶ State the confirming authority.

Cheltenham Borough Council

Council – 15 December 2025

Local Council Tax Support Scheme 2026/27

Accountable member:

Councillor Peter Jeffries, Cabinet Member Finance and Assets

Accountable officer:

Jayne Gilpin, Head of Revenues and Benefits

Ward(s) affected:

All

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. Council is being asked to approve and the scheme proposed in this report as the Council's scheme for 2026/27.

Cabinet recommends that Council:

- 1. Approves and adopts the Local Council Tax Support Scheme for working age customers in Appendix 5 and summarised in Appendix 6, for 2026/27.**
- 2. Gives authority to the Chief Executive, or Deputy Chief Executive, in consultation with the Cabinet Member Finance and Assets, to make any necessary adjustments to the income bands to reflect changes to and uprating of welfare benefits, by 27th February 2026.**

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 taxpayer, 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 fund our share of the cost of the scheme.

The proposal to continue with the scheme in 2026/27 and confirm the income levels once all increases in welfare benefits and allowances are known will ensure that the same level of support is provided to our most vulnerable residents.

Signed off by: Jon Whitlock, Head of Finance jon.whitlock@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: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

There are no environmental and climate change implications associated with this report. The Climate Impact Assessment Tool has been completed to demonstrate the social benefits, this is attached as appendix 3.

Signed off by: Maizy McCann, Climate Officer maizy.mccann@cheltenham.gov.uk

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 many low-income households. A minor change to the scheme conditions is being proposed. We monitor whether any groups are adversely affected by the scheme as part of the annual review and aim to mitigate them. An equality impact assessment in in Appendix 2

1.6 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 2027/28.

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 There is a separate national scheme for pension age customers which the Council cannot alter and is required to administer only.

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 of support being 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 many Councils reduced support and no longer offered 100% reduction.

2.5 Since 2019/20 the council tax support scheme for working age customers has been based on five income bands 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 low-income residents.

3 Local Council Tax Support Scheme Caseload

3.1 As at October 2025 over £4.3 million was being awarded to 4,240 working age recipients. More than 50% of these are receiving the maximum 100% support, due to being on the lowest incomes.

3.2 There has been a slight decrease in the caseload so far this year this year but it has continued to be fairly stable.

4 Reasons for recommendations

4.1 The proposed scheme for 2026/27, , continues to be based on five income bands, with the highest

band providing support at 100% of the council tax liability and reducing to the lowest band at 20%, as household income increases.

- 4.2 In the Autumn Budget statement the Government announced that the standard Universal Credit element will rise above the rate of inflation from April 2026 while some of the health-related elements will be frozen, or for new claimants, reduce. Other welfare benefits will rise in line with inflation. The Government also announced that the two-child benefit cap will be removed from April 2026
- 4.3 The income levels for each income band are increased each year to keep in line with increases in welfare benefits. In addition, due to the removal of the two-child benefit cap the income levels will be extended to reflect the increased income for households with three, four and more children. Updating the income levels will ensure that low-income households continue to receive a consistent level of support.
- 4.4 The scheme summary in appendix 5 shows the proposed extended income level table. The income levels are based on current year values as the exact increase for all benefits and allowances have not yet been confirmed by the Department for Work and Pensions.
- 4.5 Authority is therefore being sought from Council for the Chief Executive, or Deputy Chief Executive, in consultation with the Cabinet Member Finance and Assets, to make the necessary adjustments to the income levels and apply the appropriate increase, once all relevant changes have been confirmed. A further change is being proposed in 2026/27 to increase the amount of income disregarded for each disabled child from £100 per week to £200. This increase will ensure that the scheme continues to fully disregard the additional benefits received in respect of disabled children. Based on current data this could benefit around 150 households. This has been included in the proposed scheme conditions in appendix 4 and the scheme summary in appendix 5.
- 4.6 No other changes are being proposed to the scheme conditions for 2026/27.
- 4.7 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 28th August 2025 and 8th October 2025 seeking views on whether the Council should continue to ensure that the most vulnerable residents receive 100% support and if the disabled child disregard should be increased.
- 6.2 The consultation attracted 57 responses. Of the 57 respondents, 40 (70%) either agreed or had a neutral opinion on whether 100% support should continue and 17 (30%) disagreed. 42 respondents (74%), either agreed or had a neutral opinion on whether the Disabled Child Income Disregard should be increased to £200 while 15 (26%) either disagreed or proposed a different amount.
- 6.3 Further details of the consultation results are in Appendix 3

7 Key risks

7.1 The risks are in appendix 1

Report author:

Jayne Gilpin, Head of Revenues and Benefits jayne.gilpin@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening –(to be included in all Cabinet and Council reports)
- iii. Climate Change Assessment
- iv. Consultation analysis and responses
- v. Summary of draft scheme
- vi. Draft scheme conditions for 2026/27

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/2017/1250/contents/made>

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 modified 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	Jayne Gilpin	01/02/20

Appendix 2: Equality Impact Assessment

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Jayne Gilpin	Service Area: Revenues and Benefits
Title: Head of Revenues and Benefits	Date of assessment: 24/10/2025
Signature: Jayne Gilpin	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Local Council Tax Support Scheme 2026/27

Is this new or existing?

**Already exists
and is being
reviewed**

Please specify reason for change or development of policy, function, strategy, service change or project

There is a legal requirement to review and approve a scheme prior to each financial year

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

To set the council tax support scheme for working age people for 2026/27. The scheme reduces council tax bills for households on low income and sets out the eligibility rules and procedures.

Objectives:

To approve the scheme for 2026/27 and uprate income bands within the scheme in line with welfare benefits to ensure support continues at the same level. Increasing the disabled child disregard will ensure the scheme continues to fully disregard the additional benefits received in respect of disabled children.

Outcomes:	Working age households eligible for support will continue receive a reduction on their council tax bill in 2026/27
Benefits:	Eligible working age households on low income will receive reduction to their council tax bills. Support is currently provided to around 4,250 working age households at a cost of just over £4.3 million.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

The scheme is being reviewed and needs to be approved by Council prior to each financial year. Each year Income bands are uprated in line with welfare benefits so that recipients continue to receive the same level of support. In 2026/27 an increase in the disabled child disregard is being proposed. The increase will ensure the scheme continues to fully disregard the additional benefits received in respect of disabled children. This will impact this customers affected in a positive way.

The scheme is a means tested benefit so if a recipient has an increase in income above the annual increase to the income bands then they will see a reduction in benefit.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

Yes

Owner of Stage Two assessment

Jayne Gilpin

Completion date for Stage Two assessment

24/10/2025

Please move on to Stage 2 if required ([intranet link](#)).

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Council Tax Support scheme 2026/27



Key

	Significant and/or long-term positive impact identified. No changes needed.
	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
	Not applicable or no cause for concern.
	Slight or short-term negative impact identified. Review to identify possible improvements.
	Significant and/or long-term negative impact identified. Changes needed before proceeding.

This summary of the CIAT should be used to aid your decision making. Please note that red/amber segments simply mean that mitigations and changes should take place not that the project cannot go ahead.

Environmental	Scores	Justification	Recommendation
GHGs	0	There is no connection between this and council tax support	0
Air quality	0	There is no connection between this and council tax support	0
Sustainable Transport	0	There is no connection between this and council tax support	0
Land use change	0	There is no connection bewteen this and council tax suport	0
Biodiversity	0	There is no connection between this and council tax support	0
Soil and waterway health	0	There is no connection between this and council tax support	0
Climate Change Adaptation	0	There is no connection between this and council tax support	0
Energy Use	0	There is no connection between this and council tax support	0
Sustainable Materials	0	There is no connection between this and council tax support	0
Waste	0	There is no connection between this and council tax support	0

Social	Scores	Justification	Recommendation
Food	0	Not applicable	0

Health	2	Support with council tax allows residents to continue to live in higher quality housing by reducing barriers to finance	0
Housing	0	Not applicable	0
Education	0	Not applicable	0
Community	0	Not applicable	0
Culture	0	Not applicable	0
Accessibility	4	The Council Tax Support provides a vital financial lifeline to the most vulnerable residents in the town. The CTS impacts positively on their finances as it will reduce their monthly outgoings if they qualify for support.	0
Local Economy and Jobs	2	Council tax support provides vital help for working age customers and may assist them to become financially stable and be able to become economically active	0
Safety	0	Not applicable	0
Equity	1	Eligibility is based on financial circumstances	0
Democratic Voice	1	Residents have been given the opportunity to consult on the scheme for 2026-27	0

Council tax support scheme 2026-27 consultation

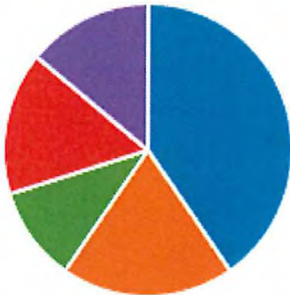
57 Responses

03:36 Average time to complete

Closed Status

1. Under the current scheme a person can receive 100 percent 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 percent help towards their council tax?

Strongly agree	23
Agree	11
Neutral	6
Disagree	9
Strongly disagree	8



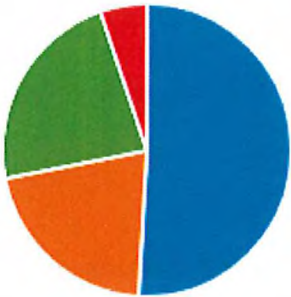
2. If you disagree with a person receiving 100 percent what do you think the maximum amount of help should be?

95 percent	11
90 percent	4
80 percent	7
75 percent	2
Less than 75 percent	11



3. At present, the scheme conditions allow an extra £100 per week of income to be ignored in the calculation of council tax support, where a person has a disabled child living in the household. Should this disregard be increased to £200 per week?

Yes	29
No	12
Neutral	13
Other amount	3



4. If you answered "other amount" to question 3, please state below how much you think the disregard should be per week

4

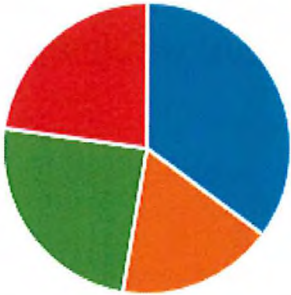
Responses

1	anonymous	Same as universal credit £411
2	anonymous	300
3	anonymous	200
4	anonymous	£200

Latest Responses

5. How do you think the council should continue to fund its council tax support scheme from April 2026?

By reducing the level of council tax	20
By increasing the amount of council tax	10
Reduce funding for council services	14
Other	13



6. If you answered "other" to Q4 and would like to provide your own suggestions please use the box below.

11

Responses

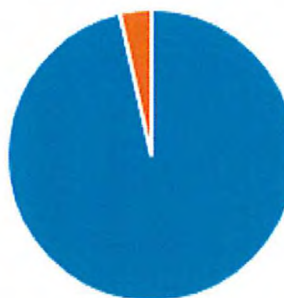
Latest Responses

"Reduce funding for council services by first identifying effi...

Page 257

- 1 anonymous Support should be in the form of a loan and limited to the duration of a risk assured plan placed on the recipient to improve their circumstances so as repay the loan and not to need support in future
- 2 anonymous There are many ways this council has wasted money in Cheltenham I'd be more than happy to discuss further on 07771594414
- 3 anonymous From the profits made through the Council's investments.
- 4 anonymous Using money from the increased National Insurance contributions.
- 5 anonymous Help the more vulnerable residents and lower the cost of council tax
- 6 anonymous Pay there way in life
- 7 anonymous Central government to cover e.g through DWP financing it
- 8 anonymous No thanks
- 9 anonymous Perhaps by forming community events where the profits from them go towards council tax it might eliminate the need for people's bills to increase while leaving those who require support still able to receive it. I am unsure how much funding this would bring in or how you would go about this. However, I feel it would be an interesting and creative way to positively impact the community. Whilst still supporting everyone who cannot by tax by using the profits made off of selling things at these events. Just an attempt at a creative suggestion to help both sides of tax payers.
- 10 anonymous i don't know unfortunately
- 11 anonymous Reduce funding for council services by first identifying efficiency savings, reducing administrative costs, improving tax collection rates, and seeking alternative revenue sources (such as partnerships or grants) before considering cuts to essential services or increases in council tax.

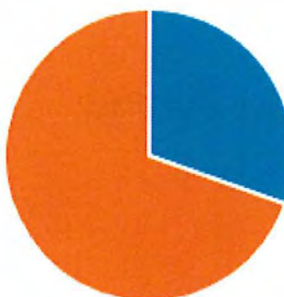
7. Are you a resident of the Cheltenham Borough area?



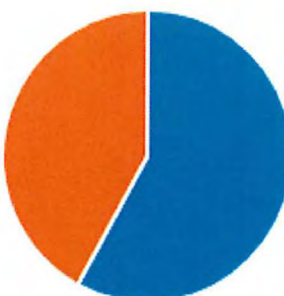
8. Are you registered for council tax purposes?



9. Do you currently receive council tax support?

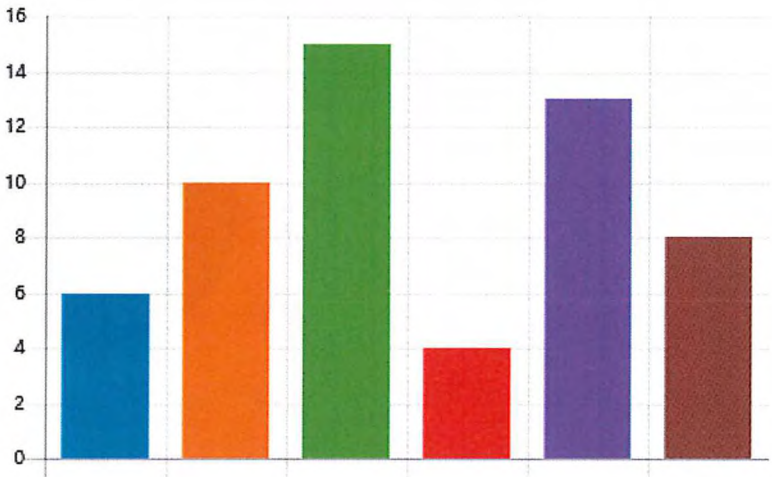


10. Are you currently in employment?



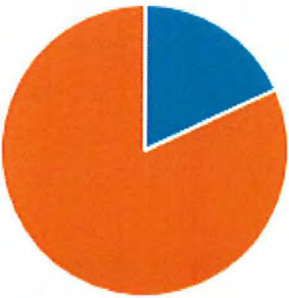
11. What is your age group?

18-24	6
25-34	10
35-44	15
45-54	4
55-64	13
65 years and over	8



12. Do you have a disability?

Yes	10
No	45



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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

2026/27

Details of support to be given for working age customers during the financial year 2026/27

Section 1 (Council tax support scheme)

1. Introduction to the council tax support banded income scheme

Sections 2-8 (Definitions and interpretation)

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

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

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

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

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

- 20. Calculation of weekly income
- 21. Disregard of changes in tax, contributions, etc.
- 22. Earnings of employed earners
- 23. Calculation of net earnings of employed earners
- 24. Earnings of self-employed earners
- 25. Calculation of net profit of self-employed earners
- 26. Deduction of tax and contributions of self-employed earners
- 27. Calculation of income other than earnings
- 28. Capital treated as income
- 29. Notional income

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

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

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

- 40. Student related definitions
- 41. Treatment of students
- 42. Students who are excluded from entitlement to council tax support
- 43. Calculation of grant income
- 44. Calculation of covenant income where a contribution is assessed

- 45. Covenant income where no grant income or no contribution is assessed
- 46. Student Covenant Income and Grant Income – non disregard
- 47. Other amounts to be disregarded
- 48. Treatment of student loans
- 49. Treatment of fee loans and treatment of payments from access funds
- 50. Disregard of contribution
- 51. Further disregard of student's income
- 52. Income treated as capital
- 53. Disregard of changes occurring during summer vacation

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

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

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

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

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

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

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

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

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

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

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

- 88. Persons affected by decisions
- 89. Revisions of decisions

90. Written statements

91. Terminations

Section 92 (Appeals against the authority's decisions)

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

Section 93 (Procedure for applying for a discretionary reduction)

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

Section 94-100 (Electronic Communication)

94. Interpretation.

95. Conditions for the use of electronic communication

96. Use of intermediaries

97. Effect of delivering information by means of electronic communication

98. Proof of identity of sender or recipient of information

99. Proof of delivery of information

100. Proof of content of information

Section 101 (Counter Fraud and Compliance)

101. Counter fraud and compliance

Schedule 1

Sums to be disregarded in the calculation of earnings

Schedule 2

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

Schedule 3

Disabled child additional disregard

Schedule 4

Capital to be disregarded

Council tax support scheme

Section 1

Details of support to be given to working age customers for the financial year 2026/27

- 1.0 **Introduction to the council tax support scheme**
- 1.1 The following scheme has been adopted by the Council on xx December 2025 in respect of the period 1 April 2026 – 31 March 2027.
- 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 bands to be updated after DWP notify new allowances from April 2026

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
Income £					
Band 1	0.00 to 110.00	0.00 to 168.00	0.00 to 220.00	0.00 to 280.00	100%
Band 2	110.01 to 150.00	168.01 to 220.00	220.01 to 270.00	280.01 to 340.00	80%
Band 3	150.01 to 180.00	220.01 to 275.00	270.01 to 320.00	340.01 to 400.00	60%
Band 4	180.01 to 210.00	275.01 to 335.00	320.01 to 370.00	400.01 to 460.00	40%
Band 5	210.01 to 240.00	335.01 to 400.00	370.01 to 430.00	460.01 to 530.00	20%

- 1.10 These income bands will apply unless the Government makes fundamental changes to welfare benefits, including Universal Credit, in the year 2026-27. If a high inflationary increase is applied to welfare benefits, the values above may need to be uprated to ensure that those applicants who the Council aims to provide 100% support to, still receive this full support during 2026-27.
- 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, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

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

‘contributory employment and support allowance’ means an allowance under Part 1 of the Welfare Reform Act 2007(d) as amended by the provisions of schedule 3, and part 1pf the schedule14, to the welfare reform Act 2012 9e) that remove references to an income-related allowance and a contributory allowance under part 1 of the welfare Reform act 2007 as that part has effect apart from the provisions”

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

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

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

‘couple’ means;

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

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

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

‘designated authority’ means any of the following;
the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘the London Bombing Relief Charitable Fund’ means the company limited by guarantee (number 5505072), and registered charity of that name established on 11 July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7 July 2005;

‘lone parent’ means a person who has no partner and who is responsible for a member of the same household as a child or young person;

‘the Macfarlane (Special Payments) Trust’ means the trust of that name, established on 29 January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

‘the Macfarlane (Special Payments) (No2) Trust’ means the trust of that name, established on 3 May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

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

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

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

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

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

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

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

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

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

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

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

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

‘occasional assistance’ means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of;

- (a) meeting, or helping to meet an immediate short-term need;
 - (i) arising out of an exceptional event or exceptional circumstances, or
 - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- (b) enabling qualifying individuals to establish or maintain a settled home, and-
 - (i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972; and
 - (ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or;
 - (bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government Act 1972;

‘occupational pension’ means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

‘occupational pension scheme’ has the same meaning as in section 1 of the Pension Schemes Act 1993

‘partner’ in relation to a person, means

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- (c) where that person is polygamously married and has an award of Universal Credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

‘payment’ includes part of a payment;

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

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

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

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

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

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

‘personal pension scheme’ means-

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

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

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

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

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

‘qualifying contributory benefit’ means’

- (a) severe disablement allowance;

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

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

‘qualifying income-related benefit’ means

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘the Skipton Fund’ means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25 march 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions.

‘State Pension Credit Act’ means the State Pension Credit Act 2002;

‘student’ has the meaning prescribed in section 43;

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

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

‘the Tax Credits Act’ means the Tax Credits Act 2002;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker’s allowance or a joint-claim jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.5 For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

2.6 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.7 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

3.1 In this scheme, 'non dependant' means any person, except someone to whom section 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

- a. any member of the applicant's family;
- b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11 (membership of the same household);
- d. subject to section 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to section 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom section 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant-

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner, or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the

other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance number

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

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

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

4.3 Section 4.2 shall not apply-

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

5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit

5.1 This scheme for working age applicants still applies to a person in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit.

5.2 This scheme applies to a person if;

- (i) he has not attained the qualifying age for state pension credit; or
- (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker's allowance or 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.

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 Republic of Ireland;
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine employment of their rights as a European Union citizen).
- 7.5 A person falls within this sub-paragraph if the person is;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 (b) where that leave is-
 - (1) discretionary leave to enter or remain in the United Kingdom,

(2) leave to remain under the Destitution Domestic Violence concession[©] which came into effect on 1st April 2012, or

(3) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary protection) Regulations 2005(d);

- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- (h) in receipt of income support, or on an income related employment and support allowance;
- (ha) in receipt of an income based jobseekers allowance and has a right to reside other than a right to reside falling within paragraph (7.4);or
- (i) a person who is treated as a worker for the purpose of the definition of 2qualified person² in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (immigration and Worker Authorisation) Regulations 2013(e) (right of residence of a Croatian who is an “accession state national subject to worker authorisation”)

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

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

7.8 In this paragraph

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

‘EEA Regulations’ means the Immigration (European Economic Area) Regulations 2006:

Persons subject to immigration control

7.9 Subject to paragraph (1A)” persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme. “(1A) a person who is a national of a state which has ratified the European Convention on Social and medical Assistance(f) (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961)and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purposes of paragraph (1)”

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

8.0 Temporary absence (period of absence)

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

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

- 8.3 In paragraph 8.2, a 'period of temporary absence' means-
- a. a period of absence not exceeding 4 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 4 weeks.

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

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

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

9.2 Section 9.1 the definition of child or young person shall not apply to a person who is;

- a. on income support;
- b. an income-based jobseeker's allowance or an income-related employment and support allowance;
- c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.

9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom section 9.3 applies

10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of section 9.1 as normally living with;

- a. the person who is receiving child benefit in respect of him; or
- b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

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

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

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

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

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

Sections 12 – 29

Definition and the treatment of income for council tax support purposes

- 12.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage**
- 12.1 The income and capital of:
- (a) an applicant; and
 - (b) any partner of that applicant,
- is to be calculated in accordance with the provisions of this Part.
- 12.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- 12.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and

- (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

Calculation of income and capital: persons who have an award of Universal Credit

- 12.4 In determining the income of an applicant
 - a. who has, or
 - b. who (jointly with his partner) has,
 an award of Universal Credit the authority must, subject to the following provisions of this paragraph, use the calculation of the income prior to any earnings disregard of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of Universal Credit.
- 12.5 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
 - (a) any sum to be disregarded under paragraphs of Schedule 1 to this scheme (sums to be disregarded in the calculation of earnings);
 - (b) any sum to be disregarded under paragraphs of Schedule 2 to this scheme (sums to be disregarded in the calculation of income other than earnings)
- 12.6 The amount for the award of Universal Credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.
- 12.7 Section 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)
- 12.8 In determining the capital of an applicant;
 - (a) who has, or
 - (b) who (jointly with his partner) has,
 an award of Universal Credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award
- 13.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's**
- 13.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax support scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.
- 13.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under section 13.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

14.0 Calculation of income on a weekly basis

14.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions, etc) the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in section 15.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

14.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

14.3 The maximum deduction to which section 14.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

14.4 For the purposes of section 14.1 'income' includes capital treated as income under section 28 (capital treated as income) and income, which an applicant is treated as possessing under section 29 (notional income).

15.0 Treatment of child care charges

15.1 This section applies where an applicant is incurring relevant child-care charges and;

- a. is a lone parent and is engaged in remunerative work;
- b. is a member of a couple both of whom are engaged in remunerative work; or
- c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or a sentence).

15.2 For the purposes of section 15.1 and subject to section 15.4, a person to whom section 15.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he-

- a. is paid statutory sick pay;
- b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
- c. is paid an employment and support allowance;
- d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
- e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

15.3 This paragraph applies to a person who was engaged in remunerative work immediately before

- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- b. the first day of the period in respect of which earnings are credited, as the case may be.

15.4 In a case to which section 15.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

15.5 Relevant child care charges are those charges for care to which sections 15.6 and 15.7 apply, and shall be calculated on a weekly basis in accordance with section 15.10.

15.6 The charges are paid by the applicant for care, which is provided

- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
- b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

15.7 The charges are paid for care, which is provided by one, or more of the care providers listed in section 15.8 and are not paid-

- a. in respect of the child's compulsory education;
- b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
- c. in respect of care provided by a relative of the child wholly or mainly in the child's home.

15.8 The care to which section 15.7 refers may be provided;

- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or

- ii. for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12, or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or day care within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
 - m. by a person who is not a relative of the child wholly or mainly in the child's home.
- 15.9 In sections 15.6 and 15.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 15.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing care.
- 15.11 For the purposes of section 15.1 c) the other member of a couple is incapacitated where
- a. the support component or the work-related activity component on account of his having limited capability for work
 - b. the other member is treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;

- c. the other member is treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances-
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii) (iv) or (v) above;
 - ix. main phase employment and support
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005;
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

15.12 For the purposes of section 15.11 once section 15.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply

to him for so long as he remains incapable, or is treated as remaining incapable, of work.

- 15.13 For the purposes of section 15.11, once section 15.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- 15.14 For the purposes of sections 15.6 and 15.8 a), a person is disabled if he is a person-
- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- 15.15 For the purposes of section 15.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in section 15.16 ('the relevant period') provided that-
- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
 - b. the applicant is incurring relevant child care charges within the meaning of section 15.5; and
 - c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.
- 15.16 For the purposes of section 15.15 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on-
- a. the date that leave ends;
 - b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.
- whichever shall occur first.
- 15.17 In sections 15.15 and 15.16

- a. **‘qualifying support’** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- b. **‘child care element’** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

16.0 Average weekly earnings of employed earners

16.1 Where an applicant’s income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment-

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 16.1a i) or ii) applies; where an applicant’s earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

16.2 Where the applicant has been in his employment for less than the period specified in section 16.1a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant’s employer to furnish an estimate of the applicant’s likely weekly earnings over such period as the authority may require and the applicant’s average weekly earnings shall be estimated by reference to that estimate.

16.3 Where the amount of an applicant’s earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

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

17.0 Average weekly earnings of self-employed earners

17.1 Where an applicant’s income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

17.2 For the purposes of this section the applicant’s earnings shall be calculated in accordance with sections 24 and 25 of this scheme.

18.0 Average weekly income other than earnings

- 18.1 An applicant's income which does not consist of earnings shall, except where section 15.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 2 of this scheme.
- 18.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.
- 18.3 For the purposes of this section income other than earnings shall be calculated in accordance with sections 27 to 29 of this scheme.

19.0 Calculation of average weekly income from tax credits

- 19.1 This section applies where an applicant receives a tax credit.
- 19.2 Where this sections applies, the period over which a tax credit is to be taken into account shall be the period set out in section 19.3
- 19.3 Where the instalment in respect of which payment of a tax credit is made is;
- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
 - b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
 - c. a two-weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
 - d. a four-weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid;
- 19.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

20.0 Calculation of weekly income

- 20.1 For the purposes of sections 16 (average weekly earnings of employed earners); 18 (average weekly income other than earnings) and 19 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;
- a. does not exceed a week, the weekly amount shall be the amount of that payment;
 - b. exceeds a week, the weekly amount shall be determined-
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.
- 20.2 For the purpose of section 17 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings overt he assessment period by the number equal to the number of days in that period and multiplying the product by 7.

21.0 Disregard of changes in tax, contributions, etc

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

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

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

22.0 Earnings of employed earners

22.1 Subject to section 22.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes-

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of-
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68, or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);

- k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

22.2 Earnings shall not include-

- a. subject to section 22.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension;
- d. any payment in respect of expenses arising out of the applicant's participation as a service user.

22.3 Section 22.2a) shall not apply in respect of any non-cash voucher referred to in section 22.1m).

23.0 Calculation of net earnings of employed earners

23.1 For the purposes of section 16 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to section 23.2, be his net earnings.

23.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in Schedule 1.

23.3 For the purposes of section 23.1 net earnings shall, except where section 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- a. any amount deducted from those earnings by way of
 - (i) income tax;
 - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with section 23.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

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

- 23.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined-
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 23.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 16 (average weekly earnings of employed earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less-
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

24.0 Earnings of self-employed earners

- 24.1 Subject to section 24.2, 'earnings' in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 24.2 'Earnings' shall not include any payment (in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.
- 24.3 This paragraph applies to-
- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - b. any payment in respect of any-
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

24.4 Where the applicant's earnings consist of any items to which section 24.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 1 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

25.0 Calculation of net profit of self-employed earners

25.1 For the purposes of section 17 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less-
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with section 25.11 in respect of any qualifying premium.

25.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph Schedule 1.

25.3 For the purposes of section 25.1a) the net profit of the employment must, except where section 25.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to sections 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with section 25.11 in respect of any qualifying premium.

25.4 For the purposes of section 25.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to sections 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

25.5 Subject to section 25.6 no deduction shall be made under section 25.3a or 25.4, in respect of-

- a. any capital expenditure;

- b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 25.6 A deduction shall be made under section 25.3a) or 25.4 in respect of the repayment of capital on any loan used for-
 - a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
- 25.7 The authority shall refuse to make deduction in respect of any expenses under section 25.3a) or 25.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 25.8 For the avoidance of doubt-
 - a. deduction shall not be made under section 25.3a) or 25.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of-
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 25.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
 - a. income tax; and
 - b. National Insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with section 25.1 in respect of any qualifying contribution
- 25.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 25.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
- b. in any case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

25.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

26.0 Deduction of tax and contributions of self-employed earners

26.1 The amount to be deducted in respect of income tax under section 25.1b)i), 25.3b)i) or 25.9a)i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

26.2 The amount to be deducted in respect of national insurance contributions under sections 25.11b)i); 25.3b)ii) or 25.9a) shall be the total of-

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

26.3 In this section 'chargeable incomes' means-

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under section (25.3)(a) or, as the case may be, (25.4) of section 25;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

27.0 Calculation of income other than earnings

27.1 For the purposes of section 18 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to sections 24.2 to 24.4, be his gross income and any capital treated as income under section 28 (capital treated as income).

- 27.2 There is to be disregarded from the calculation of an applicant's gross income under section 27.2, any sum, where applicable, specified in Schedule 2.
- 27.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under section 27.1 shall be the gross amount payable.
- 27.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 27.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under section 21.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 27.6 In section 27.5 'tax year' means a period beginning with 6 April in one year and ending with 5 April in the next.
- 27.7 Section 27.8 and 27.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 27.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of section 27.1 in respect of a person to whom section 27.7 applies, shall be calculated by applying the formula-
- $$\frac{A-(B \times C)}{D}$$
- Where
- A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under section 48.5.
- B = the number of support weeks from the support week immediately following that which includes the first day of that academic year to the support week which includes the day on which the person abandoned, or was dismissed from, his course;
- C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under section 48.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
- D = the number of support weeks in the assessment period.
- 27.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of section 27.1 in respect of a person to whom section 27.8 applies, shall be calculated by applying the formula in section 27.8 but as if-

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under section 48.5.

27.10 In this section-‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of sections 40 to 42, ‘assessment period’ means-

- a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes-
 - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those dates is earlier

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

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

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in section 43.7 or both.

27.11 For the avoidance of doubt there shall be included as income to be taken into account under section 27.1

- a. any payment to which section 22.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under section 3 of Schedule 8 to the Immigration and Asylum Act 1999.

28.0 Capital treated as income

28.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 28 to 39 of this scheme exceeds £6,000, be treated as income.

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

- 28.3 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 28.4 Any Career Development Load paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income.
- 28.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of period payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

29.0 Notional Income

- 29.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

- 29.2 Except in the case of-

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which section 46(2)(a) of Schedule 4 (capital to be disregarded) applies which is administered in the way referred to in section 46(1)(a);
- e. any sum to which section 47(a) of Schedule 4 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit;
- i. any sum to which section 29.11 applies;

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

- 29.3 Any payment of income, other than a payment of income specified in section 29.4 made-

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

- b. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of that family.

29.4 Section 29.3 shall not apply in respect of a payment of income made-

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, The Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation-
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a previous participation in the Mandatory Work Activity Scheme;
- e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where-
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any income apart from that payment.

29.5 Where an applicant is in receipt of any benefit (other than council tax support) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1 April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1 April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

29.6 Subject to section 29.7, where-

- a. applicant performs a service for another person; and
- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

29.7 Section 29.6 shall not apply-

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with-
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Job Seeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

29.8 In section 29.7(c) 'work placement' means practical work experience which is not undertaken in expectation of payment

29.9 Where an applicant is treated as possessing any income under any of section 29.1 to 29.5, the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

29.10 Where an applicant is treated as possessing any earnings under section 29.6 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 23 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- c. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

- 29.11 Sections 29.1, 29.2, 29.3 and 29.6 shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation as a service user.

Sections 30 - 39

Definition and the treatment of capital for council tax support purposes

30.0 Capital Limit

- 30.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support shall be granted when the applicant has an amount greater than this level.

31.0 Calculation of capital

- 31.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to section 31.2, be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 33 (income treated as capital).
- 31.2 There shall be disregarded from the calculation of an applicant's capital under section 31.1, any capital, where applicable, specified in Schedule 4.

32.0 Disregard of capital of child and young person

- 32.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

33.0 Income treated as capital

- 33.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.
- 33.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.
- 33.3 Any holiday pay which is not earnings under section 22(1)(d) (earnings of employed earners) shall be treated as capital.
- 33.4 Except any income derived from capital disregarded under sections 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 4, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- 33.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.
- 33.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the

Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

33.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

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

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

34.0 Calculation of capital in the United Kingdom

34.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less-

- a. where there would be expenses attributable to the sale, 10 per cent; and
- b. the amount of any encumbrance secured on it;

35.0 Calculation of capital outside the United Kingdom

35.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent, and the amount of any encumbrances secured on it.

36.0 Notional capital

36.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 37 (diminishing notional capital rule).

36.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which section 46(2)(a) of Schedule 4 (capital to be disregarded) applies which is administered in the way referred to in section 46(1)(a); or
- (f) any sum to which section 47(a) of Schedule 4 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

36.3 Any payment of capital, other than a payment of capital specified in section 36.4, made

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

36.4 Section 36.3 shall not apply in respect of payment of capital made

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation to the London Bombing Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme
- (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (d) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where-
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed

on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

36.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such case

- a. the value of his holding in that company shall, notwithstanding section 31 (calculation of capital) be disregarded; and
- b. he shall, subject to section 36.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

36.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under section 36.5 shall be disregarded.

36.7 Where an applicant is treated as possessing capital under any of sections 36.1 to 36.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital which he does possess.

37.0 Diminishing notional capital rule

37.1 Where an applicant is treated as possessing capital under section 36.1 (notional capital), the amount which he is treated as possessing;

- a. in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in section 37.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under section 37.3;
- b. in the case of a week in respect of which section 37.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in section 37.4 is satisfied, shall be reduced by the amount determined under section 37.4

37.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the condition that

- a. he is in receipt of council tax support; and
- b. but for section 36.1, he would have received an additional amount of council tax support in that week.

37.3 In a case to which section 37.2 applies, the amount of the reduction for the purposes of section 37.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-section 37.2(b) refers;

- b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which section 37.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

37.4 Subject to section 37.5, for the purposes of section 37.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for section 36.1, and in such a case the amount of the reduction shall be equal to the aggregate of

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

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

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

37.5 The amount determined under section 37.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in section 37.6 are satisfied, and in such a case-

- a. sub-paragraphs (a) to (d) of section 37.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to section 37.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

37.6 The conditions are that

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under section 36.1;
 - (ii) in a case where there has been at least one re-determination in accordance with section 37.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- b. the applicant would have been entitled to council tax support but for section 36.1

37.7 The amount as re-determined pursuant to section 37.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

37.8 For the purposes of this section

- a. 'part-week'
 - (i) in section 37.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in section 37.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in section 37.4(c), (d) and (e) means-
 - aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and

- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purposes of determining his entitlement to council tax reduction; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re- determining his entitlement to the council tax support on that subsequent occasion and that determination or re- determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;
and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

38.0 Capital jointly held

- 38.1 Except where an applicant possesses capital which is disregarded under section 36(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

39.0 Calculation of tariff income from capital

- 39.1 No tariff income will be applied.

Sections 40 - 53

Definition and the treatment of students for council tax support purposes

40.0 Student related definitions

- 40.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as “learner support funds” which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

‘college of further education’ means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

‘contribution’ means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- b. any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder’s expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder’s parents;
 - (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
 - (iii) the holder’s spouse or civil partner;

‘course of study’ means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

‘covenant income’ means the gross income payable to a full-time student under a Deed of Covenant by his parent;

‘education authority’ means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

‘full-time course of study’ means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part

- by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out-
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
 - c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves-
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

'full-time student' means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

'grant' (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

'grant income' means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

'higher education' means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; 'last day of the course' means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

'period of study' means-

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either-

- (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
- (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- d. in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

'periods of experience' means periods of work experience which form part of a sandwich course;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

'modular course' means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

'sandwich course' has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland) Regulations 2007 or regulations 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

'standard maintenance grant' means-

- a. except where paragraph (b) or (c) applies; in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- b. except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- d. in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking-

- a. a course of study at an educational establishment; or
- b. a qualifying course;

'student loan' means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

40.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- a. in the case of person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- b. in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

40.3 For the purposes of sub-paragraph (a) of section 40.2, the period referred to in that sub-paragraph shall include;

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

41.0 Treatment of students

41.1 The following sections relate to students who claim council tax support

42.0 Students who are excluded from entitlement to council tax support

42.1 Students (except those specified in section 42.3) are not able to claim council tax support under the Council's support scheme.

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

42.3 Section 42.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;

- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (ii) in respect of whom
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

For the purposes of section 42.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

- 42.4 For the purposes of section 42.3, once section 42.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply

to him for so long as he remains incapable or is treated as remaining incapable, of work.

42.5 In section 42.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

42.6 A full-time student to whom sub-paragraph (i) of section 42.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

42.7 Section 42.2 shall not apply to a full-time student for the period specified in section 42.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in section 42.8.

42.8 The period specified for the purposes of section 42.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
- (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course, which shall first occur.

43.0 Calculation of grant income

43.1 The amount of a student's grant income to be taken into account shall, subject to sections 43.2 and 43.3, be the whole of his grant income.

43.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant;

- (i) of higher education bursary for care leavers made under Part 111 of the Children Act 1989.

43.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

43.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

43.5 Subject to sections 43.6 and 43.7, a student's grant income shall be apportioned;

- (a) subject to section 43.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

43.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

43.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither section 43.6 nor section 47 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

43.8 In the case of a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

44.0 Calculation of covenant income where a contribution is assessed

44.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be

taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to section 44.3, the amount of the contribution.

44.2 The weekly amount of the student's covenant shall be determined-

- (a) by dividing the amount of income which falls to be taken into account under section 44.1 by 52 or 53, whichever is reasonable in the circumstances;

44.3 For the purposes of section 44.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under section 43.2(g) (calculation of grant income) falls short of the amount specified in section 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

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

45.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in section 43.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under section 43.2(f) and 43.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income.

45.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of section 45.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under section 43.2 (a) to (e); and
- (b) the amount to be disregarded under section 45.1(c) shall be abated by an amount equal to the amount of any sums disregarded under section 43.2(f) and (g) and 43.3.

46.0 Student Covenant Income and Grant Income – non disregard

46.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 2 to this scheme.

47.0 Other amounts to be disregarded

47.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in section 43.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount

of the sums disregarded under sections 43.2 or 43.3, 44.3, 45.1(a) or (c) or 48.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

48.0 Treatment of student loans

48.1 A student loan shall be treated as income.

48.2 In calculating the weekly amount of the loan to be taken into account as income

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with, the last day of the course;
 - (b) in respect of an academic year of a course which starts other than on 1 September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this 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;
- and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

48.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

48.4 Where a student is treated as possessing a student loan under section 48.3, the amount of the student loan to be taken into account as income shall be, subject to section 48.5

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

48.5 There shall be deducted from the amount of income taken into account under section 48.4

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

49.0 Treatment of fee loans and treatment of payments from access funds

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

49.2 This paragraph applies to payments from access funds that are not payments to which section 52.2 or 52.3 (income treated as capital) applies.

49.3 A payment from access funds, other than a payment to which section 49.4 applies, shall be disregarded as income.

49.4 Subject to section 49.5 of this section and section 35 of Schedule 2,

- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
- (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

49.5 Where a payment from access funds is made-

- (a) on or after 1 September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student, that payment shall be disregarded as income.

50.0 Disregard of contribution

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

51.0 Further disregards of student's income

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

52.0 Income treated as capital

- 52.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.
- 52.2 Any amount paid from access funds as a single lump sum shall be treated as capital.
- 52.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of payment.

53.0 Disregard of changes occurring during summer vacation

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

Sections 54 - 65

The calculation and amount of council tax support

54.0 Maximum council tax support

- 54.1 Subject to sections 54.2 to 54.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;
- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and

for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act. The annual liability will also be restricted to a council tax band E if the applicant lives in a property that has either a council tax band F, G or H.

- (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 55 (non-dependant deductions).

54.2 In calculating a person's maximum council tax support any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

54.3 Subject to section 54.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom section 42.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with section 54.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

54.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, section 54.3 shall not apply in his case.

55.0 Non-dependant deductions

55.1 Subject to the following provisions of this section, the non-dependant deductions in respect of a day referred to in section 54 (maximum council tax support) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £15.35 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £5.00 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 £266.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £266.00, but less than £463.00, the deduction to be made under this section shall be £10.20.
- (c) not less than £463.00, but less than £577.00, the deduction to be made under this section shall be £12.80;

55.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

55.4 In applying the provisions of section 55.2 in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

55.5 Where in respect of a day-

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouse and civil partners); and
- (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

55.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is-

- (a) blind or treated as blind; or
- (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
- (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

55.7 No deduction shall be made in respect of a non-dependant if;

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of section 44.0 (Students); or
- (d) he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - (i) 'patient' has the meaning given within this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

55.8 No deduction shall be made in respect of a non-dependant;

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment

- (b) and support allowance; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (c) who is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income. – earned income has the meaning given in regulation 52 of the Universal Credit regulations 2013(a)

55.9 In the application of section 55.2 there shall be disregarded from his weekly gross income-

- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

56.0 Extended support

56.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to extended support where;

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner-
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

56.2 For the purpose of section 56.1c, an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

56.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

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

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in section 56.1(b).

56.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, the regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

57.0 Duration of extended support period

57.1 Where an applicant is entitled to a support reduction, the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

57.2 For the purpose of section 57.1, an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

57.3 The extended support period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended support is payable has no liability for council tax, if that occurs first.

58.0 Amount of extended support

58.1 For any week during the extended support period the amount of the extended support payable to an applicant shall be the higher of-

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 56 (extended support) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 56 did not apply to the applicant.

58.2 Section 58.1 does not apply in the case of a mover.

58.3 Where an applicant is in receipt of extended support under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

59.0 Extended support – movers

59.1 This section applies;

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

59.2 The amount of the extended support payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

59.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

59.4 Where-

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of extended support from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support until the end of the extended support period.

60.0 Relationship between extended support and entitlement to council tax support under the general conditions of entitlement

60.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in section 56(b), that award will not cease until the end of the extended support period.

60.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended support payable in accordance with section 58.1(a) or 59.2 (amount of extended support – movers).

61.0 Extended support (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended support (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or

- (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last support week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

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

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in section 61.1(b).

62.0 Duration of extended support period (qualifying contributory benefits)

62.1 Where an applicant is entitled to extended support (qualifying contributory benefits), the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

62.2 For the purpose of section 62.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

62.3 The extended support period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended support (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

63.0 Amount of extended support (qualifying contributory benefits)

63.1 For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 61 (extended reductions (qualifying contributory benefits) did not apply to the applicant; or

- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

63.2 Section 63.1 does not apply in the case of a mover.

63.3 Where an applicant is in receipt of extended support (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

64.0 Extended support (qualifying contributory benefits) – movers

64.1 This section applies;

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

64.2 The amount of the extended support (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

64.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the appropriate authority to-

the second authority; or
the mover directly.

64.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of extended support (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support (qualifying contributory benefits) until the end of the extended support period.

65.0 Relationship between extended support (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

65.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in section 61.1(b) that award will not cease until the end of the extended support period.

65.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with section 63.1(a) or 64.2 (amount of extended support – movers).

Sections 66 - 67

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

66.0 Date on which entitlement is to begin

- 66.1 Subject to section 66.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the week following the date on which that claim is made or is treated as made.
- 66.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in that week in which his claim is made or is treated as made, he shall be so entitled from that week.

67.0 Date on which change of circumstances is to take effect

- 67.1 Except in cases where section 21 (disregards of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefits Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.
- 67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same week would, but for this paragraph, take effect in different weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate

to that income, would have fallen to be taken into account for the purposes of this scheme.

- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Section 68 - 75

Claiming and the treatment of claims for council tax support purposes

68.0 Making an application

- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act; and;

- (a) a deputy has been appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power, or a power to apply, or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005, or otherwise;

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may, if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;

- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
 - (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.
- 69.0 **Procedure by which a person may apply for a reduction under the authority's scheme**
- 69.1 Paragraphs 2 to 7 apply to an application made under the authority's scheme.
- 69.2 An application may be made;
 - (a) in writing 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 a written statement of his circumstances provided by the authority.
- 69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.
- 69.8 Notwithstanding other paragraphs within the section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.
- (1) Where an applicant;
- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),
- the application is to be treated as made on the date determined in accordance with sub-paragraph
- (2) That date is the latest of;
- a. the first day from which the applicant had continuous good cause;
- b. the day six months before the date the application was made;
- c. the day six months before the date when the applicant requested that the application should include a past period.

70.0 Date on which an application is made

- 70.1 (a) in a case where;
- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of Universal Credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or Universal Credit was received,
- the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or Universal Credit arising from that claim;
- (b) in a case where;

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of Universal Credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where;
 - (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,
 the date of the death or the separation;
- (d) except where paragraph (c) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (e) in any other case, the date on which an application is received at the designated office.

70.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
- have been entitled to that allowance.

70.3 Where there is a defect in an application by telephone;

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

70.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

70.5 The conditions are that-

- (a) where the authority receives the properly completed application, or the information requested to complete it, or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

- (b) where an application is not on the approved form or further information requested by the authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
 in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

70.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

70.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;

- (a) in the case of an application made by;
 - (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
 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 and award a reduction accordingly.

70.8 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

71.0 Submission of evidence electronically

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

72.0 Use of telephone provided evidence

72.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim.

73.0 Information and evidence

73.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

73.2 This sub-paragraph is satisfied in relation to a person if-

- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated;

And

 - (ii) the information or evidence enabling it to be so allocated.

73.3 Sub-paragraph (2) does not apply;

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

73.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

73.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

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

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

- 73.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.
- 73.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

74.0 Amendment and withdrawal of application

- 74.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- 74.2 Where the application was made by telephone the amendment may also be made by telephone.
- 74.3 Any application amended is to be treated as if it had been amended in the first instance.
- 74.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- 74.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 74.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 74.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

75.0 Duty to notify changes of circumstances

- 75.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

- 75.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing, or by using the on line claim form provided on the Council's website
 - (b) by telephone-
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of one calendar month beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 75.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 75.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income based jobseeker's allowance or an income-related employment and support allowance or Universal Credit.
- 75.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 75.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax support scheme, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- 75.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the effective date used by the authority will be the Monday of the week following the receipt of the notification.

Sections 76 - 83

Decisions, decision notices and awards of council tax support

76.0 Decisions by the authority

- 76.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

77.0 Notification of decision

- 77.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case where there is a reduction in the amount of council tax support payable, within 14 days of that decision or as soon as reasonably practicable thereafter.

- 77.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

- (a) informing the person affected of the duty imposed by 75.1;
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

- 77.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

- 77.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

- 77.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision, request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

- 77.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

- 77.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

- 77.8 This sub-paragraph applies to-

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
 - (i) a deputy appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- (c) a person appointed by the authority to act for a person unable to act.

78.0 Time and manner of granting council tax support

78.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be appropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

78.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

78.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is sufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

78.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

79.0 Persons to whom support is to be paid

79.1 Subject to section 81 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

79.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

80.0 Shortfall in support

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

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

81.0 Payment on the death of the person entitled

81.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the support which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

82.0 Offsetting

82.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

83.0 Payment where there is joint and several liability

83.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulations 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
- it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

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

83.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

Sections 84 - 87

Collection, holding and forwarding of information for council tax support purposes

84.0 Use of information from and to the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC)

84.1 The authority will use information provided by the DWP and HMRC for the purposes of council tax support, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012.

84.2 Where required by the relevant department and where required by law, the authority will share information obtained for council tax support with the DWP or HMRC as appropriate.

85.0 Collection of information

85.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from-

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

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

86.0 Recording and holding information

86.1 The authority may

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

87.0 Forwarding of information

87.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax support to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax support.

Sections 88 - 91

**Revisions, written statements, termination
of council tax support**

88.0 Persons affected by decisions

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

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or, as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

89.0 Revisions of decisions

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

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

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

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

90.0 Written statements

90.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to council tax support. The request must be received within one month of the date of notification being issued by the authority.

91.0 Terminations

91.1 The authority may terminate support in whole or in part the council tax support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to council tax support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

91.2 The authority may terminate, in whole or in part the council tax support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to council tax support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for council tax.

Section 92

Appeals against the authority's decisions

92.0 Procedure by which a person may make an appeal against certain decisions of the authority

92.1 A person who is aggrieved by a decision of the authority, which affects;

- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

92.2 The authority must

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or

- (ii) that steps have been taken to deal with the grievance, stating the steps taken.

92.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

Section 93

Procedure for applying for a discretionary reduction

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

93.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

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

93.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

Section 94 - 100

Electronic communication

94.0 Interpretation

94.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

95.0 Conditions for the use of electronic communication

95.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

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

- 95.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 95.4 The second condition is that the person uses an approved method of:
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- 95.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 95.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 95.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 95.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

96.0 Use of intermediaries

- 96.1 The authority may use intermediaries in connection with;
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with the matters.

97.0 Effect of delivering information by means of electronic communication

- 97.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the condition imposed;
- (a) by this section; and
 - (b) by or under an enactment,
- are satisfied.
- 97.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- 97.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

98.0 Proof of identity of sender or recipient of information

- 98.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of-
- (a) the sender of any information delivered by means of an electronic communication to an official computer system, or
 - (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

99.0 Proof of delivery of information

- 99.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- 99.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- 99.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

100.0 Proof of content of information

- 100.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 101

Counter fraud and compliance

101.0 Counter fraud and compliance

- 101.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to:
- a. Prevent and detect fraudulent claims and actions in respect of council tax support;
 - b. Carry out investigations fairly, professionally and in accordance with the law; and
 - c. Ensure that sanctions are applied in appropriate cases
- 101.2 The authority believes that is important to minimise the opportunity for fraud and;
- a. will implement rigorous procedures for the verification of claims for council tax support;
 - b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
 - c. will actively tackle fraud where it occurs in accordance with this scheme;

- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
 - e. will in all cases seek to recover all outstanding council tax.
- 101.3 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, including military compensation
- 16.** Any payment made to the applicant by a child or young person or a non-dependant.
- 17.** (1) Any payment made to the applicant in respect of a person who is a member of his family-
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowance Schemes)
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 18.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under-
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances);
 or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 19.** Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by-

- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.
- 20.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 21.**
- (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
 - (2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 22.**
- (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
 - (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
 - (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to-
 - (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b);
 and
 - (b) meet any amount due by way of premiums on-
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

- 23.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 24.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund).
- 25.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 26.**
- (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
 - (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-
 - (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
 - (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
 - (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
 - (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
 - (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of the two years from that person's death.

- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

27. Any housing benefit, the housing element and the limited work capability of Universal Credit. Where the assessment of Universal Credit includes a housing element and/or a limited work capability element, this will be disregarded from the Universal Credit award, where there is adequate income to do so. 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.
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 **£200** per week will be applied to the total income of the claimant and partner(s) for each disabled child or young person whom the claimant or a partner is responsible and who is a member of the claimant's household. The child or young person -
 - (i) is in receipt of disability living allowance or is no longer in receipt of such allowance because they are a patient, provided that that the child or young person continues to be a member of the family, or
 - (ii) is blind or treated as blind, or
 - (iii) is a child or young person in respect of whom section 145A of the Act (entitlement to child benefit after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, or
 - (iv) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family, or
 - (v) is a young person who is in receipt of armed forces independence payment.

Schedule 4

Capital to be disregarded

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of

income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
6. Any premises occupied in whole or in part-
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
7. Where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
10.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where-
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

- (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;
for a period of 26 weeks from the date on which the claim for council tax support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
 - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
 - (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
- 11. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
 - (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance
but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.
 - (g) Universal Credit regulations 2013(b)
- (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is
 - (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
 - (b) received by the applicant in full on or after 14 October 2001;
 sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.
- (2) For the purposes of sub-paragraph (2), 'the award of council tax support' means-
 - (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

- 12.** Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacements or improvement.
- 13.** Any sum-
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home,
- for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 14.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
- i. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 15.** Where the funds of a trust are derived from a payment made in consequence of a personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 16.**
- (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
 - (2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
 - (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
 - (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 17.** The value of the right to receive any income under a life interest or from a life rent.

18. The surrender value of any policy of life insurance.
19. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
20. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, of section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
21.
 - (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
 - (2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
22. Any social fund payment made pursuant to Part 8 of the Act.
23. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
24. Any capital which, by virtue of sections 28 or 48 (capital treated as income, treatment of student loans) is to be treated as income.
25. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
26.
 - (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
 - (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefits of-
 - (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

- (2) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where-
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.
- (4) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET

Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

- 27.** (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
- (2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.
- 28.** Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
- 29.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
- 30.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
- 31.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 32.** The value of the right to receive an occupational or personal pension.
- 33.** The value of any funds held under a personal pension scheme.
- 34.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
- 35.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- 36.** Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
- 37.** Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction

of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

- 38.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used-

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

- 39.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

- 40.** (1) Any payment or repayment made-

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.

- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in 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 spouse or deceased civil partner;
- by the Japanese during the Second World War, £10,000.
- 55.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending-
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person-
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is-
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to-
- (a) a person referred to in sub-paragraph (3)(a), that subparagraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that subparagraph 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 subparagraph shall apply for the period beginning on the date on which that payment is made and ending-
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attainswhichever is the latest.
- (5) In this paragraph, a reference to a person-

(a) being the diagnosed person's partner;
(b) being a member of a diagnosed person's family;
(c) acting in place of the diagnosed person's parents,
at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph-
'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jacob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jacob disease for the benefit of persons eligible for payments in accordance with its provisions;
'trust payment' means a payment under a relevant trust.

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

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

57. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.

58. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

59. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

60. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

61. Any payments to an applicant made under section 49 of the Children and Families Act 2014(a) (personal budgets and direct payments)

Summary of council tax support scheme 2026-27

The council tax support scheme from 1 April 2026 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 2026.

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 with up to 2 children, 3 children and 4 or more children and couples with up to 2 children, 3 children and 4 or more children as illustrated below.

Income amounts to be updated after DWP notify increases in welfare benefits and allowances effective from April 2026

Income Band	Single Person	Couple	Lone Parent up to 2 children	Lone Parent 3 children	Lone Parent 4 children +	Couple up to 2 children	Couple 3 children	Couple 4 children +	Maximum percentage entitlement
	Income £								
Band 1	0.00 to 110.00	0.00 to 168.00	0.00 to 220.00	0.00 to 290.00	0.00 to 360.00	0.00 to 280.00	0.00 to 350.00	0.00 to 420.00	100%
Band 2	110.01 to 150.00	168.01 to 220.00	220.01 to 270.00	290.01 to 340.00	360.01 to 410.00	280.01 to 340.00	350.01 to 410.00	420.01 to 480.00	80%
Band 3	150.01 to 180.00	220.01 to 275.00	270.01 to 320.00	340.01 to 410.00	410.01 to 480.00	340.01 to 400.00	410.01 to 470.00	480.01 to 540.00	60%
Band 4	180.01 to 210.00	275.01 to 335.00	320.01 to 370.00	410.01 to 480.00	480.01 to 550.00	400.01 to 460.00	470.01 to 530.00	540.01 to 600.00	40%
Band 5	210.01 to 240.00	335.01 to 400.00	370.01 to 430.00	480.01 to 550.00	550.01 to 620.00	460.01 to 530.00	530.01 to 600.00	600.01 to 670.00	20%

Claimants who receive Income Support, Job Seeker's Allowance (Income Based) or Employment and Support Allowance (Income Related) will fall into band 1 and will be entitled to up to 100% council tax support.

The income will be calculated, net of any allowable disregards and the if the income calculated falls into one of the following income bands, council tax support will be payable. If the net income exceeds the maximum income in band 5 then no council tax support will be payable.

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 (increase from 01/04/26)

An additional income disregard of £200 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

Other disregards – Armed Forces Compensation Scheme payments

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 $\text{£}368.74 + \text{£}480.00 = \text{£}848.74 - \text{£}480.00$ (Housing Element) = $\text{£}368.74$ pcm or $\text{£}85.09$ 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 $\text{£}123.93 - \text{£}480.00$ (Housing Element) = $\text{£}NIL + \text{£}724.81$ wages pcm or $\text{£}167.26$ 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 $\text{£}368.74 + \text{£}390.06 + \text{£}480.00 = \text{£}1238.80 - \text{£}390.06$ (Limited Work Capability element) - $\text{£}480.00$ (Housing Element) = $\text{£}368.74$ pcm or $\text{£}85.09$ per week.

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

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Cheltenham Borough Council

Council – 15th December 2025

2025/26 Treasury Mid-term Report

Accountable member:

Cllr Peter Jeffries – Cabinet Member for Finance and Assets

Accountable officer:

Jon Whitlock – Head of Finance (Deputy Section 151 Officer)

Accountable scrutiny committee:

Treasury Management Panel

Ward(s) affected:

All

Key/Significant Decision:

No

Executive summary:

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the treasury management activities for the first six months of this financial year and highlights compliance with the Council's policies previously approved by members in March 2025. The Treasury Management Strategy for 2025/26 has been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the council to approve treasury management semi-annual and annual reports.

Recommendations: That Council:

notes the contents of this summary report of the treasury management activity during the first six months of 2025/26.

Implications

Financial implications

As detailed throughout this report.

Signed off by: Jon Whitlock, Head of Finance (Deputy s151 Officer), 01242 264354

Legal implications

None arising from the report recommendations.

Signed off by: One Legal legalservices@onelegal.org.uk

HR implications

None arising from the report recommendations.

Signed off by:

Environmental and climate change implications

The Council does have some exposure to investments in a pooled fund which has shares with oil and gas companies. This is detailed on page 7 of the report. As a responsible investor, the Council is committed to considering environmental, social, and governance (ESG) issues, and has a particular interest in taking action against climate change and pursuing activities that have a positive social impact.

Signed off by Climate Emergency Programme Officer, 01242 264297

Corporate policy framework implications

This report contributes to the following Corporate Plan Priorities:

- Securing our future
- Quality homes, safe and strong communities
- Taking care of your money

Signed off by: Richard Gibson, Head of Communities, Wellbeing and Partnerships, 01242 264280

1. Economic Background

- 1.1 The first quarter was dominated by the fallout from the US trade tariffs and their impact on equity and bond markets. The second quarter, still rife with uncertainty, saw equity markets making gains and a divergence in US and UK government bond yields, which had been moving relatively closely together.
- 1.2 From late June, amid a UK backdrop of economic uncertainty, concerns around the government's fiscal position and speculation around the autumn Budget, yields on medium and longer term gilts pushed higher, including the 30-year which hit its highest level for almost 30 years.
- 1.3 UK headline annual consumer price inflation (CPI) increased over the period, rising from 2.6% in March to 3.8% in August, still well above the Bank of England's 2% target. Core inflation also rose, from 3.4% to 3.6% over the same period, albeit the August reading was down 0.2% from 3.8% the previous month. Services inflation also fell from July to August, to 4.7% from 5.0%.
- 1.4 The UK economy expanded by 0.7% in the first quarter of the calendar year and by 0.3% in the second quarter. In the final version of the Q2 2025 GDP report, annual growth was revised upwards to 1.4% y/y. However, monthly figures showed zero growth in July, in line with expectations, indicating a sluggish start to Q3.
- 1.5 Labour market data continued to soften throughout the period, with the unemployment rate rising and earnings growth easing, but probably not to an extent that would make the more hawkish MPC members comfortable with further rate cuts. In addition, the employment rate rose while the economic inactivity rate and number of vacancies fell.
- 1.6 The BoE's Monetary Policy Committee (MPC) cut Bank Rate from 4.5% to 4.25% in May and to 4.0% in August after an unprecedented second round of voting. The final 5-4 vote was for a 25bps cut, with the minority wanting no change. In September, seven MPC members voted to hold rates while two preferred a 25bps cut. The Committee's views still differ on whether the upside risks from inflation expectations and wage setting outweigh downside risks from weaker demand and growth.
- 1.7 The August BoE Monetary Policy Report highlighted that after peaking in Q3 2025, inflation is projected to fall back to target by mid-2027, helped by increasing spare capacity in the economy and the ongoing effects from past tighter policy rates. GDP is expected to remain weak in the near-term while over the medium term outlook will be influenced by domestic and global developments.

- 1.8 Arlingclose, the authority's treasury adviser, maintained its central view that Bank Rate would be cut further as the BoE focused on weak GDP growth more than higher inflation. One more cut is currently expected during 2025/26, taking Bank Rate to 3.75%. The risks to the forecast are balanced in the near-term but weighted to the downside further out as weak consumer sentiment and business confidence and investment continue to constrain growth. There is also considerable uncertainty around the autumn Budget and the impact this will have on the outlook.
- 1.9 Against a backdrop of uncertain US trade policy and pressure from President Trump, the US Federal Reserve held interest rates steady for most of the period, before cutting the Fed Funds Rate to 3.75%-4% in October. Fed policymakers also published their new economic projections at the same time. These pointed to a 0.50% lower Fed Funds Rate by the end of 2025 and 0.25% lower in 2026, alongside GDP growth of 1.6% in 2025, inflation of 3%, and an unemployment rate of 4.5%.
- 1.10 The European Central Bank cut rates in June, reducing its main refinancing rate from 2.25% to 2.0%, before keeping it on hold through to the end of the period. New ECB projections predicted inflation averaging 2.1% in 2025, before falling below target in 2026, alongside improving GDP growth, for which the risks are deemed more balanced and the disinflationary process over.

2. Credit review

- 2.1 Arlingclose, the council's treasury advisors, maintained its recommended maximum unsecured duration limit on the majority of the banks on its counterparty list at 6 months. The other banks remain on 100 days.
- 2.2 Financial market volatility is expected to remain a feature, at least in the near term and, credit default swap levels will be monitored for signs of ongoing credit stress. As ever, the institutions and durations on the Council's counterparty list recommended by Arlingclose remain under constant review.

3. Treasury Management Summary position as of 31st March 2025

- 3.1 On 31st March 2025, the Council had net borrowing of £179.399m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.25 Actual £m
General Fund CFR	118.812
HRA CFR	95.512
Total CFR	214.324
External borrowing	204.409
- General Fund borrowing	113.316
- HRA borrowing	91.093
Less : Internal borrowing	(9.915)
Less: Balance sheet resources	(19.375)
Net borrowing	185.034

4. **Borrowing**

4.1 As outlined in the treasury strategy, the Council's chief objective when borrowing has been to strike an appropriate risk balance between securing lower interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective. The Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.

4.2 After substantial rises in interest rates since 2021 central banks have now begun to reduce their policy rates, albeit slowly. Gilt yields however have increased over the period amid concerns about inflation, the UK government's fiscal position and general economic uncertainty.

4.3 The PWLB certainty rate for 10-year maturity loans was 5.38% at the beginning of the period and 5.53% at the end. Rates for 20-year maturity loans ranged from 5.71% to 6.30% during the period, and 50-year maturity loans from 5.46% to 6.14%. The cost of short-term borrowing from other local authorities has been similar to Base Rate during the period at 4.0% to 4.5%.

4.4 CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement and so may lead to new borrowing, unless directly and primarily related to the functions of the Council. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield unless these loans are for refinancing purposes. The Council has no new plans to borrow to invest primarily for financial return.

- 4.5 The Council currently holds debt of £38.514m in commercial investments primarily for financial return that were purchased prior to the change in the CIPFA Prudential Code.
- 4.6 No long term borrowing has been taken out in this year due to the high rates on PWLB loans. The Council has been borrowing from the Local to Local Authority market, where rates have been much lower.
- 4.7 On the 30th of September the Council held £205.306m of loans, a increase of £897k compared to 31st March 2025. Outstanding loans on 30th September are summarised in table 2 below.

Table 2: Treasury Management Summary

	31.3.25 Balance £m	Movement £m	30.9.25 Balance £m	30.9.25 Rate %
Long-term Borrowing - GF	82.586	(5.655)	76.931	3.01
Long-term Borrowing - HRA	68.773	(1.398)	67.375	3.66
Temp Borrowing - GF	28.671	1.282	29.953	4.38
Temp Borrowing -HRA	24.379	6.668	31.047	4.38
Total borrowing	204.409	0.897	205.306	3.69
Long-term investments	19.375	(1.526)	17.849	5.71
Short-term investments	0.000	0.000	0.00	-
Cash and cash equivalents	0.000	8.495	8.495	4.09
Total investments	19.375	6.969	26.344	4.81
Net borrowing	185.034	(6.072)	178.962	

- 4.8 The balance as can be seen in Table 2 shows net borrowing has reduced by £7.754m as of 30th September 2025 compared with the balance held on 1st April 2025 due to the repayment of principal annuity loans of over £1m and a long term loan of £5m being repaid early as the lender had the option to increase the rate from 3.95% to over 7%. It was decided to repay the loan after seeking advice from Arlingclose first and to take out short term borrowing to cover this. Cash balances are higher due to a grant payment received in advance of expenditure.
- 4.9 Short-term borrowing costs have reduced in line with Base Rate and short-dated markets. At the start of the financial year, short term rates were close to 5%, but since then we have had two further rate cuts in May and in August 2025, the shorter term rates reverted to generally around 4.40%. Arlingclose predict one more interest rate cut, either before the end of December or in the new year to 3.75%. For the first half of this financial year the Council has

borrowed an average of £55.419m at a rate of 4.56%.

4.9 The Housing Revenue Account (HRA) will re-imburse the General Fund for their share of the debt costs, which will see a re-alignment to the revised budget for 2025/26.

4.10 The outstanding loans on 30th September 2025 are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.25 Balance £m	2025/26 Movement £m	30.9.25 Balance £m	30.9.25 Rate %
PWLB- GF	79.761	(1.934)	77.827	3.01
PWLB- HRA	57.698	(0.12)	57.579	3.61
Banks (LOBO)- GF	1.519	(1.519)	0	-
Banks (LOBO) - HRA	3.481	(3.481)	0	-
Banks (fixed-term) -GF	2.704	0	2.704	3.85
Banks (fixed-term) -HRA	6.196	0	6.196	3.85
LA's (short-term) - GF	28.671	1.282	29.953	4.38
LA's (short-term) - HRA	24.379	6.668	31.047	4.38
Total borrowing	204.409	0.897	205.306	3.70

4.11 LOBO loans: The Council did hold £5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. In May 2025, the lender did opt to increase the loan from 3.95% to over 7%. The Council decided to repay the full loan at no cost, and this has replaced this with short-term debt.

5. Investments

5.1 The CIPFA Treasury Management Code now defines treasury management investments as those investments which arise from the Council's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use during business.

5.2 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held and money borrowed in advance of need. During the six-month period the council's investment balance ranged between £16m and £31m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.25 Balance £m	Net Movement £m	30.9.25 Balance £m	30.9.25 Rate of Return %
Money Market Funds/ Call Accounts	0	8.495	8.495	4.09
Pooled Funds	7.000	-	7.000	5.24
Other investments	10.693	0.232	10.849	5.39
Total Investments	17.693	4.580	26.344	4.91

- 5.3 Both the CIPFA Code and Government Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment.
- 5.4 After a sustained period of high interest rates, central banks began to reverse course towards second half of 2024. The Bank of England delivered its first rate cut of the financial year in May of 2025 and cut it by a further 0.25% in August, taking the Base Rate to 4%.
- 5.5 Global trade tensions easing, resilient profits, optimism on artificial intelligence, interest rate cuts, rising gold prices, and other factors contributed to equity markets generally performing strongly across the half year despite economic uncertainties. The likes of the S&P 500 in the US and FTSE 100 in the UK hit all-time highs during the period.
- 5.6 Fixed income (bond) markets remained volatile as investors weighed political risks alongside concerns over fiscal sustainability. While not matching the strength of equities, corporate bonds generally achieved positive returns. However major longer-dated government bonds saw a rise in yields over the period (meaning prices fell), particularly in the UK where concerns over fiscal issues and sticky inflation saw 30-year gilt yields reaching highs not seen since the late 1990s.
- 5.7 The gradual improvement in UK commercial property continued. Capital values recorded marginal gains, while total returns were driven largely by rental income.
- 5.8 Overall, while volatility was elevated throughout, most mainstream asset classes provided positive returns to investors over the first half of the 2025/26 financial year, with equities leading the way and fixed income and property also making a positive contribution.
- 5.9 £7m of the Council's investments are held in externally managed strategic pooled equity, multi-asset and property funds where short-term security and liquidity are

lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds have generated an average total return of 5.18% for the first 6 months of this financial year which is used to support services in year. Because the Council's externally managed funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rate.

5.10 Further to consultations in April 2023 and December 2024 MHCLG wrote to finance directors in England in February 2025 regarding the statutory override on accounting for gains and losses in pooled investment funds. On the assumption that when published regulations follow this policy announcement, the statutory override will be extended up until the 1st April 2029 for investments already in place before 1st April 2024. The override will not apply to any new investments taken out on or after 1st April 2024. The Council may need to set aside a reserve to mitigate the impact of the statutory override not being extended and unrealised losses on pooled investment funds are required to be recognised.

Table 5: Pooled Funds

FUND NAME	Initial Investment	1 April 2025 Fund Value	30 th Sept 25 Fund Value	Dividends paid out in 2025/26 as at 30 Sept	Gain / (Loss) for 2025/26	% Returns For 2025/26	Gain / (Loss) to Initial Principal
	£	£	£	£	£	%	£
CCLA Property Fund	3,000,000	2,649,166	2,696,920	60,295	47,754	4.95	(303,080)
Schroders Income Maximiser Fund *	2,000,000	1,640,687	1,780,246	79,392	139,559	7.91	(219,754)
CCLA BW Cautious Fund	2,000,000	1,870,964	1,858,142	22,969	(12,822)	4.20	(141,858)
Total	7,000,000	6,160,817	6,335,308	162,656	174,491	5.24	(664,692)

* The Schroders Income Maximiser Fund has purchased shares within the oil and gas industry, which accounts 2.96% of the total amount invested in the fund (3.04% Sept 2024). This equates to £59,200 of the original £2m invested into the fund by this council (£60,800 Sept 2024). The Fund Manager is looking to ease out of investing within the oil and gas industries which has reduced from 14% in September 2021. The dividend returns are currently returning close to 8% for the first half of this financial year. There are no plans at present to sell this investment as the fund is valued below

the initial investment, which would need to be funded by revenue. As opportunities to support the climate ambitions of the Council arise, they will be considered. However, the treasury management function is controlled by statute and by professional guidelines and the first priorities of treasury must remain security, liquidity, and yield.

6. Economic Outlook for the rest of 2025/2026

Table 7: Interest rate forecast

	Current	Dec 25	Mar 26	Jun 26	Sep 26	Dec 26	Mar 27	Jun 27	Sep 27	Dec 27	Mar 28	Jun 28	Sep 28
Official Bank Rate													
Upside Risk	0.00	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central Case	4.00	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Downside Risk	0.00	-0.25	-0.25	-0.50	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00

6.1 Inflation remained at 3.8% in September, but the expectation was for the CPI rate to peak around 4% this month and remain elevated into next year. The rise is largely the result of higher food and regulated prices, and labour costs. Services inflation remains elevated but has eased recently. Inflation expectations have picked up, but this is likely largely the result of the noticeable rise in food prices.

6.2 Spare capacity has opened up in the labour market and wage growth is slowly moderating, which should place further downward pressure on services inflation.

6.3 Underlying GDP growth remains subdued. While 2025 has been relatively strong, this was partly due to one-off factors.

6.4 Business investment is lacklustre and private sector output is constrained by weaker domestic demand and spending. Ongoing uncertainty over the global outlook is still discouraging capital investment, particularly in the manufacturing sector.

6.5 As the government struggles to meet fiscal rules amid a seeming lack of market confidence, fiscal consolidation is likely in the next Budget. This may place downward pressure on consumption and therefore economic growth.

6.6 Our view remains that the risks to growth are weighted to the downside. While upside risks to inflation remain over the short-term, these wane into the second

half of 2026. The MPC's stance, however, suggests the chance of a Q4 reduction in Bank Rate has declined.

7. Compliance

7.1 The Head of Finance (Deputy S151 Officer) reports that all treasury management activities undertaken during the first six months of 2025/26 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.

Table 8: Debt Limits

	30.9.25 Actual £m	2025/26 Operational Boundary £m	2025/26 Authorised Limit £m	Complied? Yes/No
Total debt	205.306	294.000	304.000	Yes

7.2 Council approved in March 2025 the authorised borrowing limit and operational boundary limit are increased to the new levels as shown above in table 8. Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

8. Treasury Management Indicators

8.1 The Council measures and manages its exposures to treasury management risks using the following indicators.

Security: The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	30.9.25 Actual	2025/26 Target	Complied?
Portfolio average credit rating	A+	A-	Yes

Maturity Structure of Borrowing: This indicator is set to control the Council's exposure to refinancing risk. This indicator covers the risk of replacement loans being unavailable, not interest rate risk. The upper and lower limits on the maturity structure of all borrowing were:

	30.9.25 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	31.42%	50%	0%	YES
12 months and within 24 months	3.60%	50%	0%	YES
24 months and within 5 years	23.17%	100%	0%	YES
5 years and within 10 years	21.58%	100%	0%	YES
10 years and above	20.23%	100%	0%	YES

8.2 Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

8.3 Liability Benchmark - This new indicator compares the Council's actual existing borrowing against a liability benchmark that has been calculated to show the lowest risk level of borrowing. The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future and so shape its strategic focus and decision making. It represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level of £10m required to manage day-to-day cash flow.

	31.3.25 Actual £m	31.3.26 Forecast £m	31.3.27 Forecast £m	31.3.28 Forecast £m
Loans CFR- GF	118.812	142.083	138.331	134.726
Loans CFR- HRA	95.512	90.385	108.296	138.153
Total Loans CFR	214.324	232.468	246.627	272.879
External borrowing	204.409	214.864	239.641	268.160
Internal (over) borrowing	9.915	17.604	6.986	4.719
Less: Balance sheet resources	(19.375)	(32.755)	(22.986)	(21.719)
Investments (new borrowing)	19.603	15.151	16.000	17.000
Net loans requirement	194.949	199.713	223.641	251.160
Plus: Liquidity allowance	10.000	10.000	10.000	10.000
Liability benchmark	204.949	209.713	233.641	261.160
Existing Net Borrowing	186.716			

9. Consultation

- 9.1 Arlingclose the Council's treasury advisors have supported officers in preparing the treasury activities over the first 6 months of this financial year.
-
-

Performance management – monitoring and review

The budget position will continue to be monitored by the Finance team throughout the year and a revised budget will be presented to the December Cabinet with the 2026/27 draft budget proposal.

Report author:

Andrew Sherbourne, Treasury Management Accountant

Appendices:

1. Risk Assessment

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 assumptions made within the strategies change, then the aspirations within the capital programme may become unaffordable	ED Finance and Assets	3	2	6	Accept and Monitor	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various assumptions of future interest rate movements and Government support for capital expenditure. These will be continually monitored and any necessary amendments will be made in accordance with the Strategy	ED Finance and Assets	Ongoing
	If the assumptions made within the strategies change, then the projected returns and the return of the initial investments may not be received.	ED Finance and Assets	3	2	6	Accept and Monitor	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various assumptions of future interest rate movements and Government support for capital expenditure. These will be continually monitored and any necessary amendments will be made in accordance with the Strategy	ED Finance and Assets	Ongoing

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 thorough due diligence is not undertaken when pursuing PRS schemes, the Council may not meet all of the criteria set out within its capital and investment strategies.	ED Finance and Assets	4	2	8	Accept & Monitor	Due diligence is of paramount importance. All of our investments have individual business cases that are subject to thorough risk assessment and stress testing and we also stress test the whole housing to ensure all risks are captured and properly controlled. Where appropriate to the size and scale of the project we also commission independent technical, legal, accounting, risk management, property, taxation advice	ED Finance and Assets	Ongoing

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Cheltenham Borough Council & Housing Services

Full Council – 15th December 2025

Carbon Emission Report: Financial Year 2024/25

Accountable member:

Cllr Richard Pineger, Cabinet Member for Climate Emergency

Accountable officer:

Maizy McCann, Climate Officer

Jack Cole, Social Housing Climate Change Officer

Ward(s) affected:

n/a

Key Decision: No

Executive summary:**Cabinet Member Introduction: Benefits of reporting**

Future-proofing: Central government and funding bodies increasingly require demonstrable climate action for grants and partnerships. Without robust reporting, CBC risks losing access to decarbonisation funding streams like UKSPF and future levies.

Cost-saving opportunities: The report identifies where emissions reductions align with energy efficiency and cost savings—for example, Building Management System improvements and fleet electrification have already delivered measurable reductions.

Investment justification: Every green capital scheme now needs a clear financial payback. This report provides the data to calculate ROI and prioritise projects that save money while cutting emissions.

Energy price volatility: Gas consumption rose 19% this year, partly due to increased occupancy. Without monitoring, CBC could face uncontrolled cost spikes. The report flags these trends early so corrective action can be taken.

Regulatory horizon: Even if net zero isn't mandatory now, future compliance costs will be higher for councils that haven't planned ahead. This report is a low-cost way to avoid expensive retrofits later.

Public trust: Residents expect councils to lead on climate action. Publishing this report demonstrates integrity and positions CBC as a responsible authority.

Economic development: Businesses increasingly choose locations aligned with sustainability goals.

Transparent reporting helps Cheltenham attract investment and jobs in the green economy.

Actionable insights: The report isn't just numbers—it highlights where emissions are concentrated (e.g., procurement, leisure facilities) and sets out next steps like feasibility studies for major sites.

Method

This Carbon Report calculates organisational carbon emissions for the financial year 2023-24, borough wide emissions are not included in the scope of this report.

Carbon emissions are a direct result of organisational energy use and organisation procurement activities. These include scope 1, 2 and 3 emissions, outline below in Table 1 (Cheltenham Borough Council) & Table 2 (Cheltenham Borough Council Housing Services) below. Throughout this report, CBC and CBC Housing Services have been considered separately, however for the next reporting year the previous emissions and baseline will be revised, with careful consideration as to how to measure progress towards net zero.

Table 1: Cheltenham Borough Council Operations

Category	Description	Source	Total (tCO ₂ e)	% Reduction from baseline
Scope 1	Direct emissions as a result of burning fossil fuels.	Gas usage within Council, Ubico, Cheltenham Trust sites, miscellaneous properties & vehicle fleet gas/fuel use.	1511.71	-55%
Scope 2	Indirect emissions from purchasing energy for operations.	Metered electricity uses for Council, Ubico, Cheltenham Trust sites & miscellaneous properties.	1064.82	+23%
Scope 3	All other quantifiable indirect emissions produced in relation to the organisational activity.	Staff commuting & business travel, water usage, procurement, 50% of airport electricity & ground operations, transmission & distribution of electricity.	7237.1	NA

Scope 1 Emissions

- Total scope 1 emissions, those that relate to fossil fuel use, have reduced by 139.3 tCO₂e (8.4%) relative to the previous year, and 1812.1 tCO₂e (54.5%) when compared to the baseline.
- Diesel usage in the Cheltenham Ubico fleet, has decreased 1228.2 tCO₂e in emissions from the baseline year and 47.2 compared to the previous year due to the transition to hydrogenated vegetable oil (HVO) as a fuel, fleet electrification, and further route optimization.
- There has been an increase of gas consumption at Council properties, correlating with increased occupancy and usage of the sites.

Scope 2 Emissions

- An increase in scope 2 emissions is evident when compared to 23/24 figures. This is due to an increased consumption of electricity across our portfolio. This trajectory is expected when considering the actions needed to decarbonise CBC's portfolio, it largely relies on large scale electrification to move away fossil fuels.

- The UK electricity factor is prone to fluctuate from year to year as the fuel mix consumed in UK power stations and the proportion of net imported electricity changes. In the 2024 update, the UK Electricity CO₂e factor has remained at a similar level to 2023 update.

Scope 3 Emissions

- Emissions relating to purchasing of good and services is the highest source of total emissions, which is common practice.
- The calculation methodology and the approach to address these supply chain emissions remains an underdeveloped area of carbon accounting.
- As we develop our approach to working with our suppliers to explore our emissions in more detail, the numbers will likely continue to fluctuate, though we provide a best estimate based on the tools available to support further work in this area.

Table 2: Cheltenham Borough Council Housing Services

Category	Description	Source	Total (tCO ₂ e)	% Reduction from base line
Scope 1	Direct emissions as a result of burning fossil fuels from activities owned or controlled by the organisation	Property schemes managed by CBC that have a communal supply of gas – metered gas use. CBC Housing fleet vehicle fuel use	415.47	-7.89
Scope 2	Indirect emissions from purchased energy (electricity) consumed by Cheltenham Borough Council Housing Services.	Metered electricity use for communal areas of properties managed by CBC Housing organisational office spaces. Office space used by Housing that is separate from CBC	147.2	-19.14
Scope 3	All other quantifiable indirect emissions from sources not owned or controlled by CBC Housing.	Business travel, all housing stock including that is managed by CBC Housing, transmission and Distribution losses from all purchased electricity in Scope 2, un-official offsets from communal solar PV arrays, procurement emissions from the supply chain.	11588.7	NA

Scope 1 Emissions

- Have reduced by 7.89% on the 2019/20 baseline, which is a reduction of 32.78 tCO₂e. And have increased based on the previous year (24/25: 415.47 tCO₂e vs. 23/24: 394.71tCO₂e).
- Notable changes within scope 1 emissions compared to the previous year's report are reductions in the gas usage in communal heating systems and less diesel used within our fleet.
- As the emissions we report on within scope 1 are under our direct control, reduction in this area reflects a small amount of work that has been put into areas such as introducing more HVO vehicles, replacing diesel usage.
- Property schemes remain an area that needs addressing.

Scope 2 Emissions

- Have reduced by 40.86% on the baseline, however there is a large set of data that has been copied from the previous reporting year, rather than actual data. This is because we no longer have access to our landlord supply electricity data which consist of 258 individual electricity supplies. And have decreased on the previous year (24/25: 147.2 tCO₂e vs. 23/24: 160.06 tCO₂e).

- The most notable changes within the reported scope 2 emissions are that we have not included the majority of previously reported on CBC office spaces, as these are no longer shared between two organisations and will be reported in the overarching CBC carbon footprint.
- The emissions reported on in scope 2 are directly controlled by us, and whilst there has been a rise this year compared to last year, we have reduced well on the baseline. Continued reduction in this area will rely on the greening of the electricity grid but also changes to internal behavioural should see less power used.

Scope 3 Emissions

- Have increased by 23.03% on the 2019/20 baseline, which is an increase of 2034.83 tCO₂e but have decreased on the previous year (24/25: 11588.68 tCO₂e vs 23/24:12,184.97 tCO₂e).
- Notable changes within scope 3 emissions compared to the previous year's report are the reduction in supply chain emissions, and a very slight increase in the housing stock emissions.
- Introduction of supply chain emissions since the baseline is one reason for increased emissions compared to the baseline. They have fallen compared to last year's figure of 4578.56, a decrease of 2.97%. The calculation of these emissions is based heavily on economic spend, with a decrease being intricately linked to less money having been spent on capital works.
- The emissions produced by the housing stock increased by 99.8 tCO₂e compared to the 2023/24 figure, an increase of 1.4%. It is possible that this increase is due to having more accurate EPC data, following the ongoing stock condition survey that started just after the previous reporting year. As well as this, there were more colder days than the previous year meaning more energy would have been required.

Legal and Policy Context

The UK's Climate Change Act 2008 (amended in 2019) sets a legally binding national target for net zero emissions by 2050, but it does not impose direct statutory duties on English local authorities to report or reduce carbon emissions. Councils are, however, expected to play a critical role through planning, housing, transport, and procurement powers, and government policy strongly encourages local action via initiatives such as the Local Net Zero Forum. International agreements like the Paris Agreement shape national obligations, which cascade to local government through guidance and funding rather than legal compulsion. Many councils, including Cheltenham, have voluntarily declared climate emergencies and set ambitious local targets to align with national and global commitments. In Scotland and Wales, there are stronger duties: Scotland: Climate Change (Scotland) Act 2009 imposes duties on public bodies, including councils, to act in ways that contribute to national targets and report annually. Wales: Well-being of Future Generations Act 2015 requires councils to pursue a low-carbon society goal.

Recommendations:

It is recommended that Council:

- Reaffirm their commitment to carbon reduction across operations
- Approve the publication of this report

1. Implications

1.1 Financial, Property and Asset implications

Scope 1 and 2 carbon emissions arise as a direct result of energy consumption. This is the gas and electricity used in Council's operational buildings, including the properties Cheltenham Borough Home's manage, communal heating systems, and landlord electricity supplies to communal areas. In the light of persistent high energy costs, efforts should be focused on driving down consumption through improved energy efficiency measures, exploration of the cost effectiveness of low carbon heat projects and the potential for capital expenditure on larger scale renewable energy generation, where appropriate, to drive down electricity costs and emissions simultaneously.

Achieving net-zero in our portfolio will rely on capital investment. To support future decarbonisation works preparatory work is needed for buildings within the property portfolio. Working towards reducing carbon emissions can mean long term financial savings but will require upfront investment, which may not fit the criteria for an invest to save project. Any funding bids will need to be supported by robust business cases to allow Members to make informed and transparent decisions around investing to reduce our carbon footprint.

2. **Signed off by:** Jon Whitlock, Head Of Finance (Deputy S151 Officer), jon.whitlock@cheltenham.gov.uk

1.2 Legal implications

None arising directly from the report. When future specific projects or actions are taken to implement the agreed and published 'net zero by 2030' commitment, further legal advice and support may be required, and officers will consult with One Legal on a case-by-case basis.

Signed off by: legalservices@onelegal.org.uk 01684 272203

1.3 Environmental and climate change implications

These reports are fundamental to ensuring that the authority is effectively and transparently monitoring and reporting on organisational progress towards the achievement of our net-zero carbon emissions by 2030 target.

Signed off by: Maizy McCann, Climate Officer, Maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities

- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- 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

There will be no direct implications from the reporting of the carbon footprint on equality or discrimination, although we recognise that climate change is likely to have a disproportionate impact on those with protected characteristics, and those on low incomes, therefore this needs to be carefully considered when planning our mitigating actions in response to the climate emergency.

1.6 Performance management – monitoring and review

Each financial year the annual carbon footprint will be calculated and reported. Analysis of the results will underpin CBC's progress towards its net zero target and any required changes to our action planning. Review of data collection and carbon calculating methods will occur to ensure that the most accurate and best available estimates are reported.

The report annual carbon emissions form part of the organisation's key performance indicators.

2 Background

2.3 Cheltenham Borough Council has a key leadership role to play in tackling climate change by reducing

carbon emissions from its in-house services, those which CBC directly control, and by working with others in the borough to lower district-wide carbon emissions. The council has set out clear and transparent aspirations and a commitment to help tackle climate change by:

- Declaring a climate emergency in 2019 and committing to strive towards council emissions to net-zero by 2030.
- Publishing a full Climate Emergency Action Plan (reviewed, refined and updated during 2024), detailing an associated framework to becoming a net zero Council and Borough by 2030.
- Launching a Climate Impact Assessment Tool for ensuring all proposals and projects the Council undertakes consider their social and environmental impacts.

3. Reasons for recommendations

3.1. To remind councillors that this is our part in a society-wide and globally necessary effort

3.2. For a clear and transparent reporting process.

Alternative options considered

3.3. There are no other reasonable alternative options to measuring carbon emissions.

UK local government carbon reporting is **not legally mandated** but strongly guided by:

- **GHG Protocol** (global standard for scopes and principles),
- **DEFRA Environmental Reporting Guidelines** (UK-specific methodology and factors),
- **LGA GHG Accounting Toolkit** (sector-specific templates), with increasing alignment to **TCFD** and emerging UK Sustainability Reporting Standards (ISSB-based).

4 Consultation and feedback

- a. This report has been written with internal consultation across the wider housing, climate and property teams.
- b. No public consultation needed.

5 Key risks

Included as appendix 1.

Report author:

Maizy McCann, Climate Officer

Jack Cole, Social Housing Climate Change Officer

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening (to be included in all Cabinet and Council reports)
- iii. Cheltenham Borough Council Greenhouse Gas Emission Report 2024/25
- iv. Cheltenham Borough Council Housing Services Annual Greenhouse Gas Emission Report 2024/25

Background information:

[Climate Emergency Action Plan – pathway to net zero](#)

[Gloucestershire Climate Risk and Vulnerability Assessment](#)

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
127	Carbon Neutral - If we fail to make Cheltenham carbon neutral by 2030 then we will not achieve our corporate objectives.	Climate Manager	4	4	16	Reduce	<ul style="list-style-type: none"> - Ongoing review and alignment of the capital program with the Corporate Plan - Quarterly budget monitoring - Cabinet engagement - budget proposals - Gateway reviews of all projects through the Corporate Programme office - Cabinet Away Day challenge and decisions - Business case and approval for all new projects, including allocation of resources and budgets 	Climate Manager	2030

Appendix 2: Equality Impact Assessment

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Maizy McCann	Service Area: Climate and flooding
Title: Climate Officer	Date of assessment: 25/11/24
Signature: MMcCann	

b. Is this a policy, function, strategy, service change or project?

Other

If other, please specify: **Report**

c. Name of the policy, function, strategy, service change or project

Cheltenham Borough Council & Housing Services Carbon Emission Report's: Financial Year 2024/25

Is this new or existing?

Other

Please specify reason for change or development of policy, function, strategy, service change or project

Annual report

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

To report on the organisational carbon emissions for the year 2024/25.

Objectives:

- Calculate and report on total carbon emissions.
- Explain increases and decreases in emissions compared to the previous year and baseline year.

Outcomes:

- Measure the organisations progress towards the key priority 2 in the corporate plan, to make Cheltenham Borough Council net zero by 2030.

Benefits:	This benefits internal service areas such as property, finance, and climate as it captures all organisational activity and associated emissions. Providing an evidence base to support carbon reduction projects.

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	No
Do you expect the impacts to be positive or negative?	No impact expected
Please provide an explanation for your answer:	
<p>This report aims to calculate and report on annual carbon emissions. There are associated decarbonisation works which account for increases/decreases in emissions, however describing the specific details and related of impacts of these works sits outside the scope of this report.</p>	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Please move on to Stage 2 if required ([intranet link](#)).

Cheltenham Borough Council

Greenhouse Gas Emission Report: financial year 2024/25

Executive Summary:

This report calculates that:

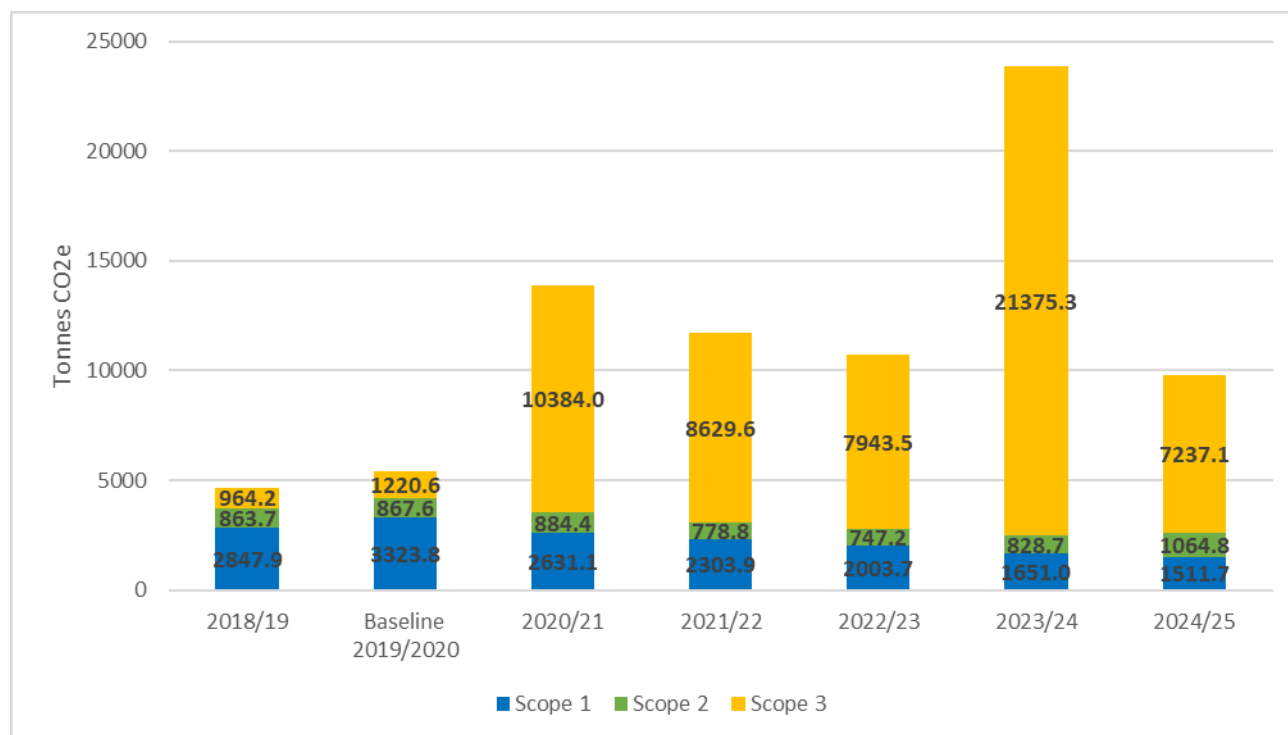


Figure 1: Total emissions from 2018 to 2025.

Scope 1: Direct emissions as a result of burning fossil fuels

- Total scope 1 emissions, those that relate to fossil fuel use, have reduced by 139.3 tCO2e (8.4%) relative to the previous year, and 1812.1 tCO2e (54.5%) when compared to the baseline.
- Diesel usage in the Cheltenham Ubico fleet, has decreased 1228.2 tCO2e in emissions from the baseline year and 47.2 compared to the previous year due to the transition to hydrogenated vegetable oil (HVO) as a fuel, fleet electrification, and further route optimization.
- There has been an increase of gas consumption at Council properties, correlating with increased occupancy and usage.

Scope 2: Indirect emissions from purchasing electricity for operations

- An increase in scope 2 emissions is evident when compared to 23/24 figures. This is due to an increased consumption of electricity across our portfolio. This trajectory is expected when considering the actions needed to decarbonise CBC's portfolio, it largely relies on large scale electrification to move away fossil fuels.

- The UK electricity factor is prone to fluctuate from year to year as the fuel mix consumed in UK power stations and the proportion of net imported electricity changes. In the 2024 update, the UK Electricity CO₂e factor has remained at a similar level to 2023 update.

Scope 3: Supply chain emissions

- Emissions relating to purchasing of good and services is the highest source of total emissions, which is common practice.
- Calculation methodology and the approach to address these supply chain emissions remains a more nascent area for development.
- As we develop our approach to working with our suppliers to explore our emissions in more detail, the numbers will likely continue fluctuate, though we provide a best estimate based on the tools available to support further work in this area.
- The 170% increase in 23/24 was down to including additional expenditure not included in this report.

Introduction

Carbon dioxide (CO₂) emissions are the primary driver of global climate change. There are several less well-known greenhouse gases such as methane (CH₄), nitrous oxide (N₂O), and hydrofluorocarbons (HFCs). These various greenhouse gases have different global warming potentials in the atmosphere which, for ease, are converted into a single metric of carbon dioxide equivalents (CO₂e). This unit of measurement will be utilised throughout this report.

In line with the Department for Energy Security and Net Zero (DESNZ, 2024) reporting guidance, the collated emissions are categorised into Scope 1, Scope 2 and Scope 3 emissions as detailed below:

Table 1: Definition of Scope 1, 2 and 3 emissions.

Category	Description	Source
Scope 1	Direct emissions as a result of burning fossil fuels	Gas usage within Council, Ubico, Cheltenham Trust sites, miscellaneous properties and vehicle fleet gas/fuel use
Scope 2	Indirect emissions from purchasing energy for operations	Metered electricity use for Council, Ubico, Cheltenham Trust sites and miscellaneous properties
Scope 3	All other quantifiable indirect emissions produced in relation to the organisational activity	Staff commuting & business travel, water usage, procurement, 50% of airport electricity and ground operations, transmission and distribution of electricity

Cheltenham Borough Council (CBC) declared a climate emergency in 2019 and committed to becoming a net zero council by 2030. This means that greenhouse gas (GHG) emissions relating to the council's production and consumption activities will need be reduced to almost zero. The

primary focus is the reduction of scope 1 & 2 emissions. Although efforts will be made to reduce our scope 3 emissions as much as possible, this is an area where the organization has less direct control.

Currently, there is no requirement for Local Authorities to report on their organisational carbon footprint. CBC, is committed to its net zero aims and the actions detailed in the Climate Emergency Action Plan and as part of this, publishing our annual carbon footprint which informs progress towards the net zero target. Our Climate Emergency Action Plan was updated during 2024. Continuing to refine our plan to 2030 to include costs and milestones to address remaining scope 1 and 2 emissions, with mitigation for residual emissions, alongside a strategic approach to address scope 3 emissions, remains a key enabler.

Organisational scope:

CBC is liable for the emissions relating to a diverse range of properties. Cheltenham Trust sites include Cheltenham Town Hall, Pittville Pump Room, Leisure at Cheltenham, Prince of Wales Stadium and The Wilson Art Gallery & Museum. Smaller sites in CBC's portfolio include public toilets, pavilions, car parks, fountains, and other miscellaneous properties. CBC is currently responsible for purchasing the energy and water for these properties. The water supplier currently used is Water Plus, the main electricity supplier is Bryt, and gas supplier is Total Energies. The miscellaneous properties vary year to year and only properties with annual energy payments of over £1,000 are a material consideration in the emission total. There are several energy suppliers for these sites.

Ubico Ltd has been responsible for the borough's household waste and recycling service since April 2012. This company itself is owned by several authorities, including CBC. The emission calculations in this report account for the fleet fuel use operating in the Cheltenham Borough, and energy and water supply at the depot and main site.

The waste and treatment considered is only the organisational waste produced by staff in the Municipal Offices. Remaining waste services are included as supply chain emissions in Scope 3.

CBC has a 50% shareholding in Gloucestershire airport. Half of the emissions related to the site's electricity use, and ground fleet fuel use, have been accounted for by CBC. Emission figure has been rolled over from previous year reporting year and will not need to be calculated again.

Operational emissions relating to Cheltenham Borough Council Housing Services are accounted for in Section 2 of this report. With the organisational integration occurring in during 2024/25, further consideration is necessary regarding the:

- a) Approach to calculating the Cheltenham Borough Council & Cheltenham Borough Council Housing Services carbon emissions moving forward.
- b) Revising the baseline figures and future assessment to net zero progress across the organisations.

Results:

The carbon emissions detailed in this report have been calculated using the 2024 UK Government GHG Conversion Factors¹. Activity data, from April 2024 to March 2025, is multiplied by the relevant emission conversion factor, to calculate GHG emissions, which is then converted into tonnes of CO₂e. Full emissions breakdown is available in Appendix 1.

Total emissions:

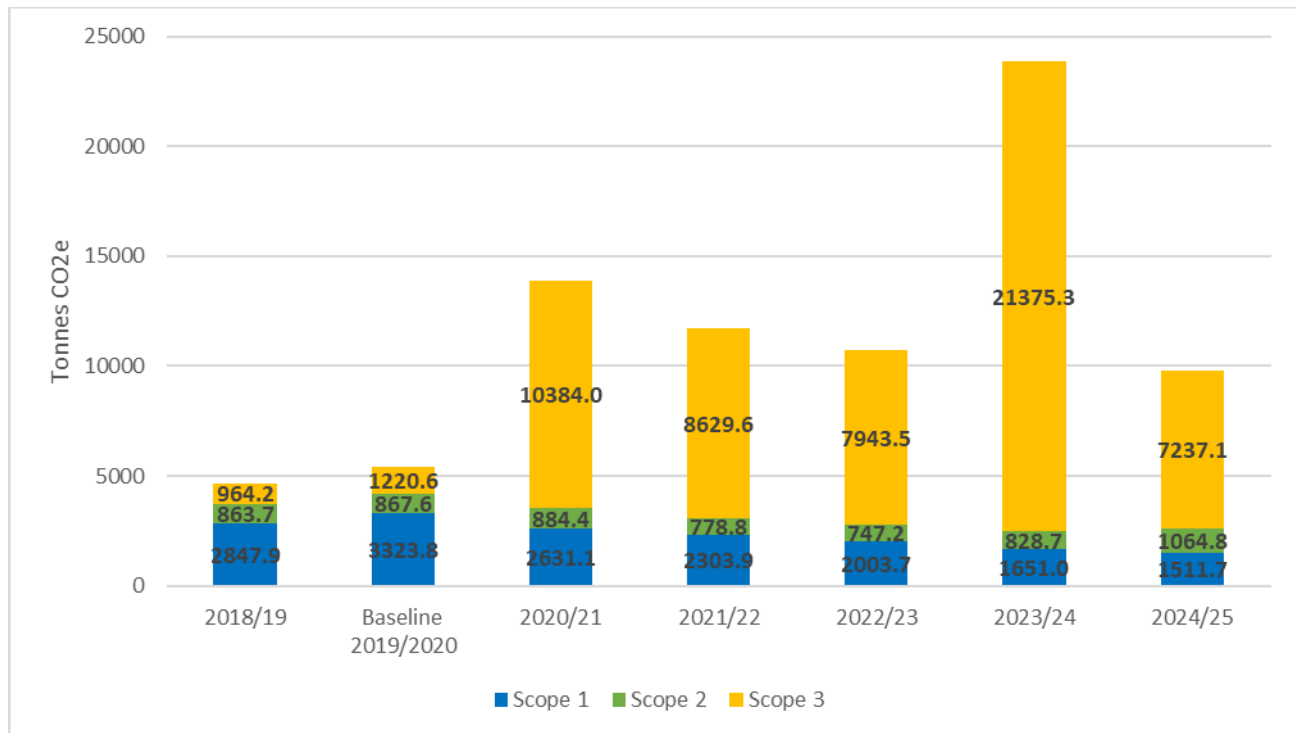


Figure 2: Total emissions from 2018 to 2025.

¹ <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2024>
Page | 4 |

Scope analysis:

In this section individual scope results will be explored.

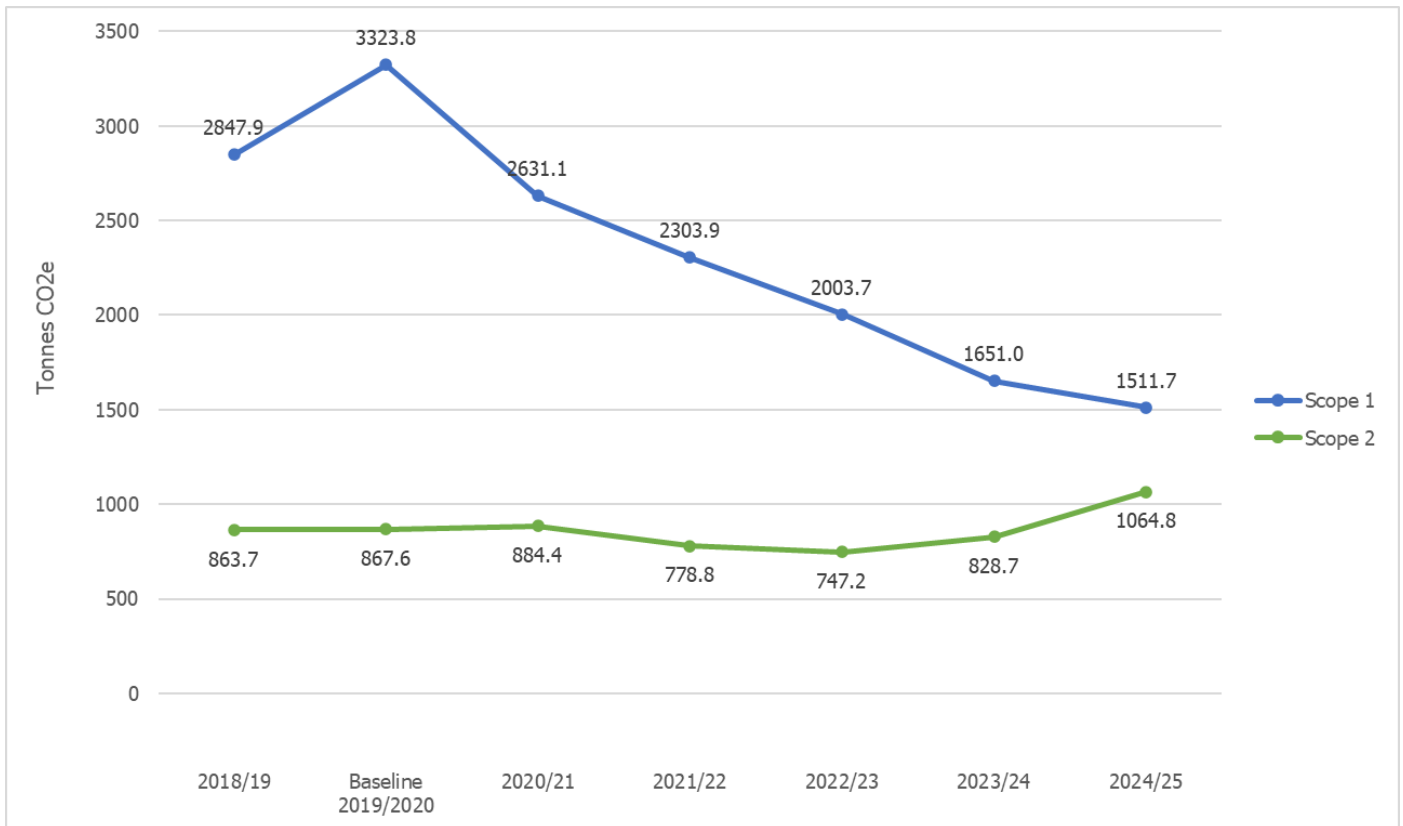


Figure 3: Scope 1 & 2 comparison from 2018 to 2025.

Scope 1:

Table 3: Source specific breakdown for change in Scope 1 emissions, comparing against prior year in tCO2e and percent, rounded to 2 significant figures.

Emission source	tCO2e compared to previous year	Percentage change compared to previous year
Council gas	+47.74	+19%
Council fleet diesel	+0.35	+3%
Council fleet petrol	-1.45	-16%
Council HVO	+0.05	+93%
Cheltenham Trust gas	-28.44	-3%
Ubico & Depot gas	-39.64	-34%
Ubico & Depot fleet diesel	-47.23	-22%
Ubico & Depot fleet petrol	+1.03	+6%
Ubico HVO	+0.66	+7%
Miscellaneous Properties Gas	0.00	-100%
Total Scope 1	-139.31	-8%

Table 4: Source specific breakdown for change in Scope 1 emissions, comparing against baseline year in tCO₂e and percent, rounded to 2 significant figures.

Emission source	tCO ₂ e Compared to baseline year	Percentage change Compared to baseline year
Council gas	-72.79	-20%
Council fleet diesel	+2.15	+21%
Council fleet petrol	-10.38	-57%
Cheltenham Trust gas	-372.55	-29%
Ubico & Depot gas	-25.81	-25%
Ubico & Depot fleet diesel	-1228.18	-88%
Ubico & Depot fleet petrol	-5.41	-23%
Ubico & Depot gas oil	-80.26	-100%
Miscellaneous properties gas	-29.67	-100%
Total Scope 1	-1812.08	-55%

The total of all scope 1 emission sources is 1511.7 tCO₂e, this is a decrease of 139.3 tCO₂e compared to 2023/24 and 1812.1 tCO₂e compared to the baseline year (Table 3&4). Specific reasoning for material decreases are as follows:

- The Building Management System is a standardised approach, which is centrally controlled, remotely setting all key systems including lighting, heating, and water temperatures. The Building Management System is now starting to see the return on investment. With efforts being put into refining the use of the system, it will continue to contribute towards significant improvements of energy efficiency resulting in a decrease in gas consumption across the property portfolio.
- The vehicles which transitioned to hydrotreated-vegetable oil (HVO) fuel and electrification have been operational for the full reporting year. An 88% reduction in emissions are evident for Ubico diesel emission when compared to the baseline year.
- A change in occupancy and use at CBC owned sites will result in varying energy consumption. Whilst this contributes to a higher carbon emission for this category, it also indicates that properties are being utilised.
- There were no miscellaneous gas consumptions to account for this year, however this is likely to change next year.

Scope 2:

Table 5: Source specific breakdown for change in Scope 2 emissions, comparing against prior year in tCO₂e and percent, rounded up to 2 significant figures.

Emission source	tCO ₂ e compared to previous year	Percentage change compared to previous year
Council electricity	+205.3	+128%
Cheltenham Trust electricity	+75.6	+15%
Ubico electricity	+22.9	+37%
Recharged properties electricity	-7.4	-42%
Miscellaneous properties not included Electric	-60.3	-79%
Total scope 2	+236.1	+28%

Table 6: Source specific breakdown for change in Scope 2 emissions, comparing against baseline year in tCO₂e and percent, rounded up to 2 significant figures.

Emission source	tCO ₂ e compared to baseline	Percentage change compared to baseline
Council electricity	+128.7	54%
Cheltenham Trust electricity	+69.5	13%
Ubico electricity	11.0	-12%
Recharged properties electricity	5.6	-35%
Miscellaneous properties not included Electric	Not previously included	Not previously included
Total scope 2	+181.6	+21%

Relative to the baseline, overall electricity has increased 21% and increased 28% compared to the prior year (Table 5&6), now totalling 1064.82 TCO₂e. Comments on the individual electricity uses are:

- Electricity purchased from Bryt is supplied by renewable sources such as wind, bioenergy, photovoltaic and hydropower from the UK and Europe. This is backed by Renewable Energy Certificates and Renewable Energy Guarantees of Origin certificates. The figures presented are calculated on the 'location based' basis, which use grid-averages to present full emissions. If a 'market based' reporting method was adopted, emissions relating to electricity purchased from Bryt would be 0 tCO₂e². However, the only way to ensure zero-emission electricity is to consume electricity directly sourced from 'own generation' renewables such as solar panels or a physical connection to local generation projects for example.

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850130/Env-reporting-guidance_inc_SECR_31March.pdf

- When considering the actions needed to decarbonise CBC's portfolio, this heavily relies on large scale electrification of activity, moving away from gas. In the absence of CBC's own generation or a direct supply of renewable electricity, this relies on the decarbonisation of the national electricity grid. It is reported³ that a fully decarbonised power system is possible by the year 2035, however current rates of delivery and deployment of infrastructure need to be accelerated.
- The increased use of CBC owned sites by staff, and the community has resulted in an increase consumption of electricity.
- There are a number of electricity meters included this year which are new and therefore have not been accounted for previously.

Scope 3:

Table 7: Source specific breakdown for change in Scope 3 emissions comparing against prior year in tCO2e and percent, rounded up to 2 significant figures.

Emission source	tCO2e compared to previous year	Percentage change compared to previous year
Mileage claims	No change	No change
Rail travel	No change	No change
Council electricity (T&D ⁴)	+32.27	+133%
Miscellaneous (T&D)	+5.19	+79%
Twinning travel	NA	NA
Commuting	-31.21	-19%
Waste	-0.09	-64%
Water from Council properties	-6.31	-47%
Cheltenham Trust electricity T&D	+7.64	+17%
Recharged properties electricity T&D	-0.62	-41%
Ubico electricity (T&D)	+2.14	+40%
Purchasing of goods & services	-14121.29	-67%
50% airport emissions from ground operations	No change	No change
Total scope 3	-14138.2	-66%

³ <https://www.theccc.org.uk/2023/03/09/a-reliable-secure-and-decarbonised-power-system-by-2035-is-possible-but-not-at-this-pace-of-delivery/#:~:text=Since%202010%2C%20emissions%20from%20electricity,electric%20vehicles%20and%20heat%20pumps.>

⁴ T&D refers to emissions related to transmissions and distribution of electricity. This accounts for the large-scale movement of electricity at high voltage levels from a power plant to a substation. Whereas power distribution is the conversion of high voltage electricity at substations to lower voltages that can be distributed and used. (<https://www.iec.ch/energies/transmission-distribution/#:~:text=Power%20transmission%20is%20the%20large,%2C%20public%2C%20and%20industrial%20customers.>)

Table 8: Source specific breakdown for change in Scope 3 emissions comparing against baseline in tCO2e and percent, rounded up to 2 significant figures.

Emission source	tCO2e compared to baseline	Percentage change compared to baseline
Council mileage claims	-5.61	-34%
Council rail travel	-0.22	-49%
Council electricity (T&D)	+12.3	+62%
Miscellaneous (T&D)	Not previously included	Not previously included
Twinning travel	NA	NA
Commuting	-96.5	-42%
Waste	Not previously included	Not previously included
Water from Council properties	+8.16	+19%
Cheltenham Trust electricity T&D	-0.43	-32%
Recharged properties electricity T&D	-0.61	-8%
Ubico electricity (T&D)	-0.61	+788%
Purchasing of goods & services	+6159.15	-54%
50% airport emissions from ground operations	-57.76	-19%
Total scope 3	+6016.5	+493%

The methodology used to measure scope 3 emissions been updated to improve accuracy, resulting in an increase in emissions (Table 7). Although a decrease in emissions from the previous year and increase from the baseline year is evident, it is important to consider the various changes in calculating activity and emissions. Notable changes are:

- Compared to the baseline, procurement (purchasing of goods and services) emissions have increased a material amount. The figure used in the baseline year had been rolled over from 2018/19. This, however, only included approximately 16% of CBC's total expenditure.
- A carbon calculating tool, devised by Newport City Council and shared within a regional best practice group, has been utilised for this reporting year.
- Using Standard Industrial Classification (SIC) codes, product categories have been devised which have an associated specific emission factor. Each pound of council expenditure has been allocated to a category, which has totalled the procurement emission total.
- This process is entirely based on monetary value and does not account for the specific emissions associated with each specific contract. Under this scheme, the only way, therefore, to report a reduction in emissions, is to reduce the total annual spend.
- There has been approximately £3.7 million less expenditure accounted for in this reporting year compared to 2023/24.

- Previously reported commuting emissions from Housing Services and CBC staff have been merged to reflect the total number of staff and to ensure the emissions are comparable.

Looking forward:

- Projects are underway to improve the energy efficiency at the leisure centre, these include heat retention pool covers and LED lighting which will result in a reduction of energy.
- UKSPF has been allocated towards decarbonisation feasibility studies for the leisure centre, and this will outline the steps for addressing emission reduction across scope 1 and 2 emissions, alongside a robust plan to address mitigation of any residual emissions.
- Funding needs to be secured to enable the capital works & additional decarbonisation studies to take place.
- To develop a supplier-engagement approach that allows for a detailed, segmented analysis of our Scope 3 supply chain emissions, starting with the Council's highest spending areas.
- With Housing Services now combined to form one organisation, it is recommended that for the reporting year 2025/26, careful consideration is taken to revise the baseline and previous emissions calculated.

Appendix 1:

Scope 1 emission source	2024/25 tCO ₂ e	2023/24 tCO ₂ e	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2020/21 tCO ₂ e	Baseline 2019/20 tCO ₂ e	2018/19 tCO ₂ e	% change from baseline	% change from 23/24
Council gas	294.25	246.51	268.22	320.73	347.13	367.04	355.2	-20%	+19%
Council fleet diesel	12.5	12.15	17.70	10.95	14.53	10.35	28.2	+21%	+3%
Council fleet petrol	7.84	9.29	7.74	14.50	1.19	18.22	7.1	-57%	-16%
HVO	0.12	0.06	NA	NA	NA	NA	NA	NA	+93%
Cheltenham Trust gas	926.4	954.83	995.59	826.90	882.04	1298.94	1246.0	-29%	-3%
Ubico & Depot Gas	75.6	115.26	77.55	106.79	102.34	101.43	186.5	-25%	-34%
Ubico & Depot fleet diesel	166.2	213.47	589.86	868.47	1,125.37	1394.41	970.3	-88%	-22%
Ubico & Depot fleet petrol	18.1	17.04	15.24	21.35	26.85	23.48	27.7	-23%	+6%
Ubico fleet HVO	10.7	10.03	4.65	NA	NA	NA	NA	NA	+7%
Ubico & Depot gas oil	75.6	0	3.55	118.93	101.96	80.26	26.9	-100%	-100%
Miscellaneous properties - gas	0	72.37	23.59	15.33	29.67	29.7	NA	-100%	-8%
Total scope 1	1511.7	1,651	2,003.7	2,303.9	2,631.1	3,323.8	2,847.9	-55%	+19%

Scope 2 emission source	2024/25 tCO2e	2023/24 tCO2e	2022/23 tCO2e	2021/22 tCO2e	2020/21 tCO2e	2018/19 tCO2e	% change from baseline	% change from 23/24
Council electricity	365.1	159.84	138.35	190.52	158.65	220.4	54%	+128%
Cheltenham Trust electricity	589.7	514.14	491.96	483.24	441.95	524.8	13%	+15%
Ubico electricity	84.2	61.23	96.93	71.26	75.46	105.1	-12%	+37%
Recharged properties electricity	10.2	17.62	5.73	9.25	10.91	13.5	-35%	-42%
Misc. Properties - Electric	15.61	75.90	14.23	24.55	197.46	NA	NA	-79%
Total scope 2	1064.81	828.7	781.8	778.8	884.4	863.7	+21%	+28%

Scope 3 emission source	2024/25 tCO2e	2023/24 tCO2e	2022/23 tCO2e	2021/22 tCO2e	2020/21 tCO2e	2018/19 tCO2e	% change from baseline	% change from 2023/24
Council mileage claims	10.8	10.79	10.52	7.60	5.87	18.0	-34%	No change
Council rail travel	0.2	0.24	0.10	0.00	0.00	0.6	-49%	No change
Council electricity (T&D)	32.3	13.83	12.55	16.86	13.64	18.8	+62%	+133%
Misc. (T&D)	1.38	6.57	1.30	2.17	16.98	NA	NA	-79%
Twinning travel	NA	1.73	0	0	0	6.1	NA	NA
Commuting	134.7	165.89	246.49	74.0	38	61.7	-42%	-19%
Waste	0.05	0.14	0.07	1	NA	NA	Not previously included	-64%
Water from Council properties	7.0	13.35	6.09	4.24	8.47	NA	+19%	-47%
Cheltenham Trust	52.1	44.48	45.00	42.8	38.0	44.7	-32%	+17%

electricity T&D								
Recharged properties electricity T&D	0.9	1.52	0.52	0.8	0.9	1.2	-8%	-41%
Ubico electricity (T&D)	7.4	5.30	8.87	6.3	6.5	9.0	+788%	+40%
Purchasing of goods & services	6941.2	21062.44	7,566.86	8441.0	10210.0	782.0	-54%	-67%
50% airport emissions from ground operations	49.04	49.04	45.02	32.9	45.9	22.2	-19%	No change
Total scope 3	21375.3						+484%	-66%
	7235.7		7,943.49	8,629.6	10,384.0	964.2		
Total 1, 2 and 3 scopes	9,813.62	23,855.06	10,694.39	11,712.4	13,899.5	4,675.8	+61	-59%

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CHELTENHAM BOROUGH COUNCIL

HOUSING

ANNUAL REPORT ON GREENHOUSE GAS EMISSIONS: FINANCIAL YEAR 2024/25

EXECUTIVE SUMMARY

This is a report on the carbon emissions that Cheltenham Borough Council Housing is responsible for in the financial year 2024/2025.

There will be some reference made to Cheltenham Borough Homes (CBH) within this report, as part of the reporting year can be attributed to when CBH existed as an Arms-Length Management Organisation (ALMO), a wholly-owned but separate limited company.

The emissions are broken down into scopes, which categorise emissions into 3 areas:

- Scope 1: Direct emissions from sources owned/controlled by CBC Housing
- Scope 2: Indirect emissions from purchased electricity
- Scope 3: Indirect emissions from sources not owned or controlled by CBC Housing

Scope 1 Emissions

- Have reduced by 7.89% on the 2019/20 baseline, which is a reduction of 32.78 tCO₂e.
- Have increased based on the previous year (24/25: 415.47 tCO₂e vs. 23/24: 394.71tCO₂e).
- Notable changes within scope 1 emissions compared to the previous year's report are reductions in the gas usage in communal heating systems and less diesel used within our fleet.
- As the emissions we report on within scope 1 are under our direct control, reduction in this area reflects a small amount of work that has been put into areas such as introducing more HVO vehicles, replacing diesel usage.

Scope 2 Emissions

- Appear to have reduced by 40.86% on the baseline, however there is a set of large data that has been copied from the previous reporting year, rather than actual data. This is because, following the transition from CBH Limited into CBC, we no longer have access to the landlord supply electricity data which consist of 258 individual electricity supplies.
- Have decreased on the previous year (24/25: 147.2 tCO₂e vs. 23/24: 160.06 tCO₂e).
- The most notable changes within the reported scope 2 emissions are that we have not included CBC office spaces, as these are no longer shared between two organisations and are reported as a significant increase in the CBC carbon accounts.
- The emissions reported on in scope 2 are directly controlled by us, and whilst there has been a rise this year compared to last year, we have reduced well on the baseline. Continued reduction in this area will rely on the greening of the electricity grid, but also internal behavioural changes will see less power usage.

Scope 3 Emissions

- Have increased by 23.03% on the 2019/20 baseline, which is an increase of 2034.83 tCO₂e.
- Have decreased on the previous year (24/25: 11588.68 tCO₂e vs 23/24:12,184.97 tCO₂e).
- Notable changes within scope 3 emissions compared to the previous year's report are the reduction in supply chain emissions, and a very slight increase in the housing stock emissions.
- Introduction of supply chain emissions since the baseline is one reason for increased emissions compared to the baseline. They have fallen compared to last years figure of 4578.56, a decrease of 2.97%. The calculation of these emissions is based heavily on economic spend, with a decrease being intricately linked to less money having been spent on capital works.
- The emissions produced by the housing stock increased by 99.8 tCO₂e compared to 2023/24's figure, an increase of 1.4%. However, we now have more accurate EPC data, following the ongoing stock condition survey that started just after the previous reporting year. As well as this, there were more colder days than the previous year meaning more energy would have been required.
- Scope 3 emissions are out of our direct control and are therefore the hardest to reduce. Actions such as employee travel surveys will help to better understand commuting behaviours, but ultimately it will be very hard to have a large influence on these emissions.

INTRODUCTION:

Table 1: Definition of Scope 1,2 and 3 emissions

Category	Description	Source
Scope 1	Direct emissions as a result of burning fossil fuels from activities owned or controlled by the organisation.	<ul style="list-style-type: none"> • Property schemes managed by CBC that have a communal supply of gas - metered gas use • CBC Housing fleet vehicle fuel use
Scope 2	Indirect emissions from purchased energy (electricity) consumed by CBH operations.	<ul style="list-style-type: none"> • Metered electricity use for communal areas of properties managed by CBC Housing organisational office spaces • Office space used by Housing that is separate from CBC
Scope 3	All other quantifiable indirect emissions from sources not owned or controlled by CBH.	<ul style="list-style-type: none"> • Business travel • All housing stock including that is managed by CBC Housing • Transmission and Distribution losses from all purchased electricity in Scope 2 • Un-official offsets from communal solar PV arrays • Procurement emissions from the supply chain

The following elements have not been reported by CBH in this year's report: waste, water use,

ORGANISATIONAL BOUNDARY:

The council's housing stock emissions come from the generation of the energy used within these properties. Energy use in residential properties is usually separated into regulated and unregulated energy.¹ Only regulated energy use is used in CBH GHG emissions calculations.

Some data presented in these carbon figures is based on assumptions, with figures based on estimates rather than actual figures.

RESULTS:**SCOPE 1**

Table 3: Breakdown of emissions by source within scope 1, compared against the 2019/20 baseline

Scope 1	2024/25 tCO ₂ e	2023/24 tCO ₂ e	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2020/21 tCO ₂ e*	Baseline 2019/20 tCO ₂ e	% change on baseline
CBC properties: Communal heating (gas)	297.46	272.87	283.64	334.87	-	331.80	-10.35
CBH Offices (Gas)	5.13	21.71	19.55	24.71	-	24.67	--79.2
Vehicles (biodiesel)	0.16	0.12	0.04	0	-	0	-
Vehicles (diesel)	112.71	99.98	103.38	96.56	-	91.78	22.81
Vehicles/equipment (petrol)	0	0.03	0.15	0.57	-	0	-
Scope 1 Total	415.47	394.71	406.77	456.71	-	448.24	-7.89

The total of all the scope one emissions for 2024/25 shows a 7.89% reduction on the 2019/20 baseline. The gas purchased for heating is natural gas, and the biodiesel purchased for vehicles is hydro-treated vegetable oil. Notable changes in emissions within Scope 1 can be seen in:

- Increase in communal gas heating within CBC sheltered scheme properties. No significant changes have been made to these systems but there is now more accurate data collection with more automated meter reads improving accuracy.
- An increase in vehicle fleet emissions on the previous reporting year could be explained by comparing the amount of vans - We had 31 diesel vans in Apr'23, compared to 39 in Apr '24. Average van emissions dropped by 0.3 tCO₂e but they use more fuel due to extra mileage for more properties this year than last reporting year.
- The large decrease in scope 1 office emissions is due to less falling within the reporting scope. The majority of office spaces now fall under the CBC carbon footprint.
- Hesters Way Resource Centre (HWRC) and St Pauls Hub are the only two office spaces included in this report. Emissions from petrol usage has reduced as there are no longer any petrol vehicles and as petrol tools are replaced with battery powered ones.

SCOPE 2

Table 4: Breakdown of emissions by source within scope 2 compared against the 2019/20 baseline

Scope 2	2024/25 tCO ₂ e	2023/24 tCO ₂ e	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2020/21 tCO ₂ e*	Baseline 2019/20 tCO ₂ e	% change on baseline
All housing stock (Communal usage - electricity)	146.11	146.11	107.08	163.08	-	221.15	-33.93
CBH Offices (electricity)	1.09	13.95	15.28	18.95	-	27.76	-96.08
Scope 2 Total	147.2	160.06	118.15	182.04	-	248.90	-19.14

The total of all scope 2 emissions for 2024/25 shows a reduction of 33.93% on the 2019/20 baseline. The changes in emissions within scope 2 to note are:

- Continued reduction against the baseline is partly attributed to greening of the grid over time, and production of electricity being less carbon intensive than previous years.
- Emissions from the housing stock communal usage of electricity are estimated. In previous years, energy consumption data has been taken from a portal which gathers billing information. We no longer have access to this portal because our communal electricity supply changed supplier.
- With nobody in post to manage this year's energy portfolio, there is no accessible consumption data for the reporting year. As such, the reporting figure from last year has been used as the estimate.
- Emissions from the use of electricity within CBH offices
 - This set of emissions no longer exists within the Housing footprint, and will be included in the CBC footprint as both are now one organisation.
 - The only office space for CBC Housing to report on this year under scope 2 is the HWRC office

SCOPE 3

Table 5: Breakdown of emissions by source within scope 3, compared against the 2019/20 baseline

Scope 3	2024/25 tCO ₂ e	2023/24 tCO ₂ e	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2020/21 tCO ₂ e*	Baseline 2019/20 tCO ₂ e	% change on baseline
Milage (CBH business)	9.72	10.38	10.44	17.94	-	17.94	-41.81
Rail travel (CBH business)	-	0.06	0.02	1.12	-	1.12	-98.47
All housing stock (communal electricity/T&D)	2.96	13.74	9.14	14.43	-	16.81	-45.60
CBH offices (electricity/T&D)	0.02	1.21	0.93	1.68	-	2.11	-55.92
All housing stock	7146.78	7,046.98	7,359.77	9,455.63	-	9,400.74	-25.04
Solar PV off-set from communal supplies	-16.53	-20.73	-24.15	-19.21	-	-19.21	+8
Supply chain (purchased goods & services)	4446.56	4578.56			-		
Scope 3 Total	11588.7	11630.2	7356.23	9471.47	-	9419.39	23.03

The total of all scope 3 emissions for 2024/25 -

- Emissions from the housing stock have risen. the figure for 24/25 is 7,147 tCO₂e which is a reduction of 25% on the 19/20 baseline but an increase of 1.4% on 23/24 housing stock emissions. This small increase could be down to the fact that we were accounting for more properties this year, as our total stock number increased from 4672, to 4681. Another possibility is that we saw an increase in heating degree days (days when heating was necessary) compared to the previous reporting year. This means that it was a colder year with the outside temperature being lower than the internal building temperature more often, leading to an increase in energy use to heat properties.
- Within scope 3 there is the offset of energy that is provided using solar PV systems supplying energy to the communal supplies. The overall solar PV offset figure has been subtracted from the overall total. The offset for 24/25 is less than it was in 23/24, this is impacted by the variability in the weather - there were fewer hours of sunshine in 2023 compared with 2024. It is worth noting that this figure has increased on the baseline, which is positive as it means a higher offset.
- The emissions produced by procurement of goods & services was a new addition to our reporting for 23/24, and we have continued to report on these emissions this year. There has been a decrease in emissions in this area, which is in large part due to the fact that less money was spent on capital works compared to the previous year. The biggest contributor to this set of emissions continues to be our capital construction works to the properties that we manage, which this year would have consisted largely of external wall insulation, roof replacements, and kitchen and bathroom replacements.
- Travel emissions for employee commuting will be included in the CBC carbon footprint report this year, as we are now reporting on this set of emissions as one organisation. As such, all previous reporting figures have been moved so they can be accurately reported as a combined figure in the overall CBC report, meaning some figures have been adjusted in this report to reflect that.

SUMMARY:

Table 6: Total emissions from 2024/25 compared to previous years, compared against the 2019/20 baseline.

	2024/25 tCO ₂ e	2023/24 tCO ₂ e	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2020/21 TCO ₂ e*	Baseline 2019/20 tCO ₂ e	% change on baseline
Scope 1, 2 & 3 total emissions	12,151.37	12184.97	7885.46	10110.21	-	10116.54	20.19

- The total emissions for 2024/25 for CBC Housing show an 18.15% increase on the baseline total of 2019/20. The increase in emissions compared to the baseline is due to accounting for a new set of emissions in the supply chain (purchased goods and services) from the 23/24 reporting year, although figures have fallen by nearly 3% this year which is already showing a steady decrease in emissions.
- The bulk of the emissions within this report lies in the housing stock, which makes up 59% of overall emissions. This demonstrates the importance of directing works and resource towards improving the energy efficiency of the housing stock where possible.
- The majority of the supply chain emissions (approx. 75%) relate to building, maintaining, and improving homes.

NEXT STEPS:

Future emissions reductions can be targeted by:

- Scope 1
 - upgrading the CBC Housing vehicle fleet to use electric vehicles, this would see a reduction in emissions from diesel fuel use. However, this requires infrastructure upgrades to include charge points both at the offices and at the repairs fleets' homes.
 - reducing gas use for heating of CBH office spaces will be helped by better monitoring and sub-metering. CBC is working to progress this at CBH's biggest site usage, The Depot on Swindon Road. This will also allow better identification of office-based emissions.
 - reducing emissions from communal heating systems. A new GSHP (ground source heat pump) heating system has been installed at Cumming Court and other sites are being reviewed to consider the options. This will start by replacing communal gas boilers with more efficient heating systems, such as heat pumps - which can be done under the Warm Homes: Social Housing Fund Wave 3. This will contribute to a decrease in scope one emissions, as well as giving residents more control over their heating.
- Scope 2
 - encouraging behavioural change in the use of electricity within offices will be the driving force behind reducing energy demand therefore carbon emissions.
 - in addition, as the grid continues to become greener, and investment in green energy rather than brown energy grows, emissions across all of scope 2 will fall in future years.
- Scope 3
 - working to improve the energy efficiency of CBH managed properties, as well as installing low carbon heating, will reduce the energy demand, and hence resulting carbon emissions, of homes. We are currently in the delivery phase of the Warm Homes: Social Housing Fund wave 3, which will focus on decarbonising some of our properties that are currently using gas boilers by installing

heat pumps. As well as the low carbon heating incentive, we are targeting the improvement of 383 properties through measures such as external wall insulation and cavity wall insulation.

- engaging proactively with the supply chain and working to develop a sustainable procurement strategy.

ENDNOTES

¹ Regulated energy is energy consumption by controlled building services, such as space heating (affected by the energy performance/insulation), hot water systems and lighting. This is the energy use that is reported on in EPCs and which landlords have significant control over, i.e., via the amount of heat required within the house (due to its fabric/construction) and the way that heat is generated (via a boiler or similar). Only regulated energy use is used in CBH GHG emissions calculations, and this is based on modelling via RdSAP (not measured energy consumed).

Unregulated energy includes energy use via appliances and other equipment that is not controlled or regulated. This is energy used by residents for the equipment in their homes. Reductions can be made by using more efficient appliances or behavioural change. Unregulated energy is not included in CBH GHG emissions reporting.

*2020/21 Data not reported on due to industry being heavily affected by Covid-19 that year

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Cheltenham Borough Council

Council – 15 December 2025

Member Development Panel Annual Report April 2024- May 2025

Accountable member:

Councillor Jackie Chelin, Chair of the Member Development Panel

Accountable officer:

Claire Hughes, Director of Governance, Housing and Communities

Ward(s) affected:

n/a

Key Decision: No

Executive summary:

The Member Development Panel is a cross party and non-decision-making advisory body. Its role is to coordinate and prioritise a programme of ongoing Member training and help to encourage participation in Member Development opportunities. More widely it examines the current provisions for Members in terms of support, training, and provision of information and looks at new Member Induction to ensure new Members are provided with support and are easily able to access information and relevant training. While there is no single statutory requirement mandating the publication of training attendance statistics, CBC now records attendance to the individual Councillor's training record which is available on the public website.

This report sets out an overview of the Member Development that has taken place during the 2024/25 Municipal year whilst looking ahead to the forthcoming year.

The Member Development Panel welcomes the opportunity for Council to debate this report and give its views on member development opportunities.

Recommendations:

1. That the Annual Report of the Member Development Panel is noted.

1. Implications

1.1 Financial, Property and Asset implications

The Member development plan and induction will be funded from the existing training budget within Democratic Services.

Signed off by: Ela Jankowska – Finance Business Partner, ela.jankowska@cheltenham.gov.uk

1.2 Legal implications

There are no specific legal implications arising from the recommendations of this report.

Signed off by: One Legal; legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

There are no environmental or climate change implications to this report.

Signed off by: Maizy McCann, Climate Officer, maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities: Securing our future

- Reducing inequalities, supporting better outcomes
- Taking care of your money

1.5 Equality, Diversity and Inclusion Implications

See screening template Appendix ii.

Report author:

Bev Thomas, Democratic Services Team Leader

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. Member Development Panel Annual Report

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
	If member development does not have any dedicated budget it will be difficult to support Councillors in their learning	Council	2	3	6	Accept	Member development has a £5 k p.a budget	Dem Services Team Leader
	Failure to deliver sufficient training would create a compliance risk and/or prevent Members from carrying out their duties effectively.	Democratic Services	3	2	6	Accept	Ensure new Member induction and ongoing development opportunities are in place.	Dem Services Team Leader/Member Development Panel

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Bev Thomas	Service Area:
Title: Dem Services Team Leader	Date of assessment: 25/11/25
Signature:	

b. Is this a policy, function, strategy, service change or project?

Member Strategy	Development
-----------------	-------------

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Is this new or existing?	Already exists and is being reviewed
Please specify reason for change or development of policy, function, strategy, service change or project	

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:	To report to Council on Member Development
Objectives:	To provide support, knowledge and guidance to Members, both new and experienced.

Outcomes:	To enable Councillors to perform their duties effectively.
Benefits:	Cross party working

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

Member Development helps to ensure that Members carry out their duties effectively.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

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CHELTENHAM
BOROUGH COUNCIL

Member Development Panel

Annual Report

2024-25

Contents

Foreword	3
Introduction	4
Summary of work undertaken	
• Member Development Strategy	5
• Member Induction 2024	6
• The Councillor Development Charter	7
• Members’ Hub	9
• Member Training Budget	11
Looking Forward	12
<hr/>	
Appendix 1:	
Terms of Reference	13

Page 429

Foreword

Councillor Jackie Chelin, Chair of Member Development Panel



As Chair, it is my pleasure to commend the 2024-25 Member Development Panel (MDP) report to you.

The role of a local councillor is becoming more challenging which means that the skills required by councillors to fulfil their roles are both increasing in number and diversity. Cheltenham Borough Council is committed to ensuring that Members have access to the learning and development they need to perform effectively in their vital role in representing residents and taking decisions on behalf of the community.

Please note that this annual report covers up to the point that the Council received Member Development Charter Status in May 2025.

I am grateful for the support of the Democratic Services team who share the enthusiasm of the MDP in seeking ways to enhance practice, both in addressing regular training and development needs as well as responding to specific requirements within the changing external context.

Councillor Jackie Chelin

December 2025



Councillor development

'Learning and development for councillors is vital for councils to deliver what our communities need. At the heart of healthy local democracy is effective political leadership – with councillors who are well-equipped, supported, resilient, and confident to make a difference.'

Page 430

Introduction

The Member Development Panel (MDP) was established in June 2023 as a cross-party group, fully supported by the Council Leader, political group leaders and the Council's Leadership Team. It meets every quarter and has an agreed work plan.

Its role is reflected in the Terms of Reference for the year in question, which are reproduced in Appendix 1 for information.

Members

- Councillor Jackie Chelin (Chair)
- Councillor Ashleigh Davies
- Councillor Dr Helen Pemberton

CBC Officer leads:

- Claire Hughes, Director of Governance, Housing and Communities
- Bev Thomas, Democratic Services Team Leader
- Claire Morris, Democracy Officer

The panel met four times between April 2024 and May 2025:

- 4 October 2024
- 17 January 2025
- 04 April 2025
- 23 May 2025 (Councillor Development Charter Assessment)

On the pages that follow is a summary of work undertaken in 2024-25.

Member Development Strategy

The Local Government Association (LGA) Corporate Peer Challenge of July 2023, recommended that the council improve Member Induction to help Members to understand their roles and responsibilities.

The Member Development Panel, then in its infancy, reviewed the overall position in respect of learning and development activities for Members. It embarked on preparing a strategy to set out the council's approach more formally, to ensure that there was a member-led framework for continuous development. This was approved by [Council in December 2024](#).

The overarching aim of the strategy is to ensure there is support to enable all Members to acquire sufficient knowledge and a full range of skills to maximise their ability and capacity.

The objectives of the strategy are:

- to ensure all Members have consistent and equal access to training and development opportunities, taking into account different learning preferences;
- to provide support for all Members to acquire sufficient knowledge and a full range of skills to fulfil all their duties confidently and effectively;
- to ensure mechanisms are in place to evaluate the effectiveness of the development programme;
- to achieve South West Council's Charter Status accreditation for Councillor Development.

The strategy sets out the approach towards continuous development, methods of delivery, feedback and evaluation and performance measures. The Council's Equality, Diversity and Inclusion Policy underpins how the Member Development Plan is designed and delivered.

The Member Development Strategy is kept under review by the MDP and will be refreshed in 2027.

Member Induction 2024

Member Handbook

A Member Handbook was produced for the first time for May 2024's all-out elections, and distributed to new and returning Members upon election. Together with the Open Day and induction plan, its aim is to support new Members in particular as they get to know the council, providing a comprehensive guide to what the council does, how it works, and what being a councillor involves. Its user-friendly format covers a wide range of subjects, from the constitution and code of conduct, decision-making process and the Corporate Plan to the Council Budget, information handling and what the various committees do. It also includes basic but important advice on key contacts, committee etiquette, dress code, Members' allowances and more. Feedback from all Members was extremely positive, and the handbook will be updated to coincide with each election.

Member Induction Plan

Alongside the drafting of the Member Development Strategy, the MDP developed a comprehensive Member Induction Plan. Rolled out over several months, this consisted of a wide range of sessions providing overviews and legislative and policy updates to all key council areas, with mandatory training highlighted. Members are made aware that training attended is logged on their public profile on the council's website.

Post induction, a full member questionnaire was developed by the MDP, feedback from which has been considered by the MDP in order to improve the member development plan and councillor induction going forward. The MDP had hoped for a better response rate to the questionnaire (40%) but are grateful for the valuable input from those who did respond.

The MDP recognised that the member induction plan was quite intense and that a July general election increased the workload on Members, but they remain committed to finding the right balance of informing Members early on, without it feeling onerous or overwhelming.

Democratic Services consider the feedback alongside the MDP and for example have now introduced quarterly 'drop-in' general IT sessions for Members and an enhanced buddying system is being developed with the support of the leadership team.

The Councillor Development Charter



As a key objective in the Member Development Strategy, the council was delighted to have been awarded the Councillor Development Charter Status in May 2025.

What is the Councillor Development Charter?

The Councillor Development Charter exists to:

- encourage councils to develop an effective strategy or approach to councillor development;
- recognise those councils that have developed an effective approach;
- encourage councils to continue that development and share their experiences and learning.

There are three essential criteria for achieving the Charter:

- a clear commitment to councillor development and support;
- a strategic approach to councillor development;
- effective learning and development to build Members' skills and knowledge.

The charter provides councils with a robust framework and encourages member development across the sector. Achieving the Development Charter Status involved many hours of hard work to ensure that all the criteria were met or being worked towards.

The outcome was based on a self-assessment and evidence with final sign-off comprising assessment interviews with:

- Claire Hughes, Director of Governance, Housing and Communities
- Bev Thomas, Democratic Services Team Leader
- Councillor Jackie Chelin, Chair of the Member Development Panel
- Councillor Rowena Hay, Leader of the Council
- Councillors Mike Collins and Izaac Tailford, Cabinet Members
- Councillor Ashleigh Davies, Group Leader of the Green Party

The MDP thanks all those involved for their valuable contributions to achieve the charter.



At the LGA conference in July 2025, the Leader, Councillor Rowena Hay, was presented with the Member Development Charter certificate by Councillor Bill Revans on behalf of South West Councils.

Key strengths highlighted in the Charter Assessment Report

- Commitment to Councillor Development: evident through interviews and active participation in induction sessions.
- Supportive culture: returning Councillors attending new Member inductions showed dedication to continuous learning.
- Strong officer-Member relationships: positive collaboration across roles.
- Effective buddying system: received highly favourable feedback.
- Diverse learning opportunities: a wide range of training and development options available, offered in a variety of formats(?).
- Councillor champion roles: seen as a proactive and empowering initiative.
- Members' Hub: valued as a flexible and accessible resource for councillors (see further information below).

Recommendations

The Charter Assessment Report also included a number of recommendations as to how the council can improve its member development and induction programme:

i. Buddy Scheme Enhancement

- Promote the buddy system continuously, not just during role changes.
- Encourage cross-party buddying, especially for smaller political groups.
- Extend the scheme beyond induction to support ongoing peer learning and leadership development.

ii. Champion Role Expansion

- Define the role more clearly to motivate councillors to share expertise and experiences.

iii. Training Improvements

- Cascade insights from formal external training (e.g., LGA courses) to maximise value.
- Address resistance to mandatory training that might have been taken in members' other working roles by emphasising its councillor-specific perspective and encouraging peer learning through shared experiences.

iv. Skills Audit Reintroduction

- Reintroduce a skills audit to identify gaps and transferable skills.
- Use audit results to tailor development plans.
- Encourage reflection on how professional experience outside the elected member role applies to councillor duties.

v. Partnership Learning

- Build on existing successful collaborations with external bodies (e.g., police, voluntary groups, other councils) to enrich councillor development.

Following the experience of the South West Council's accreditation process, the chair of the MDP has been invited to take part in a panel assessing another local Council that is also seeking to obtain the charter.

Page 436 Members' Hub

Recognised by the charter assessment, the Members' Hub is a useful resource for all Members. Democratic Services always welcome feedback and any suggestions on how it can be improved.

The Members' Hub includes:

- links to useful documents and information
- key contact details
- advice
- training
- recordings of briefings

Members' Hub Home Useful Information Training Member Briefings Member Safety ... Edit Private group 85 members ...

+ New Page details Analytics Published 2/5/2025 Share Edit

Welcome to the Members' Hub

Key Links

- Cheltenham Borough Council**
Main homepage
- Latest News**
Latest news on Cheltenham Borough Council website
- Constitution**
Cheltenham Borough Council's constitution
- Key Member information**
Member information on intranet
- Committees & Working Groups**
Committees and working groups calendar on intranet
- Local Government Association**
Local Government Association - Councillor Hub
- Gloucestershire County Council**
Main homepage
- Highways - GCC**
Gloucestershire County Council Highways

Democratic Services

- Bev Thomas**
Democratic Services Team Leader
- Judith Baker**
Democracy Officer
- Claire Morris**
Democracy Officer
- Rhian Watts**
Democracy Officer

Full Meeting Calendar

In your area webpage

Customer Services

For general enquiries about the council. Requests for service for cleansing e.g. emptying bins, fly tipping and street cleaning.

Tel: 01242 262626
Email: enquiries@cheltenham.gov.uk

Member Training Budget

The panel is required to monitor the spend of the £5k member development budget and receive regular reports at their meetings. They also invite feedback from councillors who have attended relevant sessions. Recent examples of this include the LGA Effective Cabinet Member Training, Finance Without Numbers, and Enquiring and Evidence Gathering.

Looking Forward



The Member Development Panel will continue to meet regularly, and its future work will include:

- monitoring progress against the recommendations of the Councillor Development Charter Assessment;
- roll out of Mandatory Training 2025-2026, to include bespoke Equality, Diversity and Inclusion training;
- preparation, approval and delivery of a Member Induction Plan following the 2026 local elections.

Terms of Reference of Membership Development Panel

Purpose

The Member Development Panel will act as a cross party and non-decision-making advisory body. Its role is to coordinate and prioritise a programme of ongoing Member training and help to encourage participation in Member Development opportunities. More widely it will examine the current provisions for Members in terms of support, training, and provision of information. The working group will also look at new Member Induction to ensure new Members are provided with support and are easily able to access information and relevant training.

Functions

The Member Development Panel will carry out the following functions:

- ensure that Councillor learning needs are met;
- ensure that the Member Development and Induction Programmes are owned and valued by members of the council;
- evaluate Member development to ensure that value is being added;
- create a Member Development Strategy;
- consider and review the current provision for Members in terms of support and information provision, including but not limited to the 'Members Hub';

consider whether to progress towards accreditation under the [SW charter for Member Development](#).

Roles and responsibilities of group members

- promote learning and development;
- seek views from Members and provide feedback on any training and development needs;
- advise on any targeting of resources and priorities;
- recommend ways of enhancing councillors' skills, knowledge, and attributes in order to fulfil their roles and responsibilities with the council and wider communities;
- monitor effective use and allocation of budget (£5,000 pa);

if agreed to progress towards the SW Charter for Member Development Panel members will support the achievement of the action plan and the meeting of criteria set out in the SW charter for Member Development.

Membership

The Panel will be cross-party, with its members drawn from across the whole Council

The working group members will be nominated by Group Leaders and will comprise **one** member from each political group.

Officers in the Working Group will comprise:

- Democratic Services Team Leader/Democracy Officer;
- Director of Governance, Housing and Communities;
- (as required).

Meeting Frequency and Papers

- The Panel will meet quarterly. Meetings may be held more often should the need arise, or be cancelled if there is not sufficient business, by agreement with the Chair.
- An agenda and supporting papers will be issued in a timely manner, ideally one week in advance of the meeting.
- Feedback to Group Leaders, and where appropriate Full Council, will be delivered by a nominated Councillor (usually the Chair of the Panel).