

# Cheltenham Borough Council Council

**Meeting date:** 12 December 2022

**Meeting time:** 2.30 pm

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

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## **Membership:**

Councillors Sandra Holliday (Chair), Matt Babbage (Vice-Chair), Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Garth Barnes, Ian Bassett-Smith, Graham Beale, Angie Boyes, Nigel Britter, Jackie Chelin, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Stephan Fifield, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Martin Horwood, Peter Jeffries, Tabi Joy, Alisha Lewis, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Richard Pineger, Julie Sankey, Louis Savage, Diggory Seacome, Izaak Tailford, Julian Tooke, Simon Wheeler, Max Wilkinson, Suzanne Williams and Dr David Willingham

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk) **Phone:** 01242 264 246

# Agenda

**1. Apologies**

**2. Declarations of interest**

**3. Minutes of the last meeting**

(Pages 5 - 34)

Minutes of the meeting held on 17 October 2022

**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 Monday 5 December 2022.

**8. Member Questions**

These must be received no later than 12 noon on Monday 5 December 2022.

**9. Treasury Mid-Term Report 2022/23**

(Pages 35 - 48)

Report of the Cabinet Member for Finance and Assets

**10. Local Council Tax Support Scheme**

(Pages 49 - 164)

Report of the Cabinet Member for Finance and Assets

**11. Review of the Constitution**

(Pages 165 - 168)

Report of the Leader

**12. Member Code of Conduct**

(Pages 169 - 212)

Report of the Leader

**13. Overview and Scrutiny Referral - Council motion on UNICEF child-friendly city status and No Child Left Behind (18th July)**

(Pages 213 - 218)

Report of the Chair of Overview and Scrutiny

**14. Notices of Motion**

**15. Any other item the Mayor determines as urgent and which requires a decision**

**16. Local Government Act 1972 - Exempt Information**

The committee is recommended to approve the following resolution:-

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

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

### **17. A Property Matter**

Report of the Leader – **TO FOLLOW**

**Gareth Edmundson**

Chief Executive

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### Council

**Monday, 17th October, 2022**

**2.30 - 5.25 pm**

<b>Attendees</b>	
<b>Councillors:</b>	<p>Sandra Holliday (Chair), Matt Babbage (Vice-Chair), Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Garth Barnes, Graham Beale, Angie Boyes, Nigel Britter, Jackie Chelin, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Bernard Fisher, Wendy Flynn, Tim Harman, Rowena Hay, Martin Horwood, Peter Jeffries, Tabi Joy, Alisha Lewis, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Richard Pineger, Julie Sankey, Diggory Seacome, Izaak Tailford, Julian Tooke, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham</p>

### Minutes

**1. APOLOGIES**

Apologies were received from Councillors Bassett-Smith, Fifield, Harvey and Savage.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 18 July were approved unanimously and signed as a true record.

**4. COMMUNICATIONS BY THE MAYOR**

The Mayor gave her personal thanks to officers of CBC and Ubico who had worked so hard following the death of Her Majesty The Queen, to ensure that all protocol was adhered to during the period of mourning, and events were handled sensitively. She also thanked members of the public and councillors who had laid flowers, signed the book of condolence, and shown support for events at the Municipal Offices.

She also reported that, since the last meeting, she had:

- attended a moving ceremony and laid sunflowers to mark Ukrainian Independence Day on 24 August, together with the Leader, Councillor Hay, and Alex Chalk, MP;
- joined the 20-year anniversary celebration of the Butterfly Garden at Dundry Nurseries. She said this scheme allows students to take part in many activities, including gardening, cookery and woodwork, and their achievements are always valued and celebrated. She encouraged Members to visit, either as a group

or individually. Anyone interested in a group visit should email Jennie Ingram;

- attended a fundraising reception at the Holst Victorian House, where trustees hope to raise £30k for further improvements. She encouraged Members to look at their website to see what is planned;
- invited Cheltenham Bowling Club National Top Club champions to the parlour to celebrate their success at winning the award out of 634 teams.

### **5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader started by thanking Howard Norris for acting as interim Monitoring Officer for the past year, before reporting on the following:

- CBC won a Federation of Small Business Local Authority Award for Best Covid-19 Support and Recovery for the south-west region, in recognition of the variety of innovative methods used to help businesses during the pandemic. This included road-widening schemes, relaxed planning requirements for temporary structures, business grants for struggling businesses, and adoption of an in-depth recovery strategy in May 2020. She congratulated all involved;
- at the Gloucestershire Business Awards last week, Ubico was a well-deserved finalist in the Local Business Heroes category, for keeping its services going throughout the pandemic;
- in late September, Radio Gloucestershire's Make A Difference awards recognised the many individuals and organisations which give up their time to make a significant difference to their local communities. Sarah Avery was one of the many deserving winners;
- CBC is providing vital support to the most vulnerable during the energy crisis, having already allocated over £70k, with a further £92k due to be paid out by the end of November. Payments of £150 will go to families in receipt of council tax support or housing benefit, there will be extra support for anyone hosting a Ukrainian family, and any remaining funding will be distributed to over 700 pensioners aged over 80 who receive council tax support or housing benefit – they will each receive £100;
- last week, the Golden Valley Development won the Property Deal of the Year award at the Inside Property Awards, recognition of and testament to the fantastic team working on this unique and exciting project, which is putting Cheltenham at the front and centre of the national and international stage.

She finished by explaining the reason and rationale for Cheltenham not giving support to Gloucestershire County Council's expression of interest in becoming an investment zone, as required in the guidance. The government announcement gave a very short timeline and insufficient guidance, with the lack of detail potentially giving rise to insurmountable unknown risks. She has asked Democratic Services to share the letter she sent to GCC with Members, and also the four different government departments involved in the investment zones.

**6. TO RECEIVE PETITIONS**

The Mayor confirmed that no petitions had been received.

**7. PUBLIC QUESTIONS**

<b>1.</b>	<b>Question from Caroline Sherwood to the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson</b>
	<p>You may be aware of a lengthy discussion on Next Door community noticeboard regarding the dismay of many members of the community about the loss of our Tourist Information Centre. We have observed the limited space for displaying leaflets in the new 'hub' on the High Street and the fact that the site is very often unattended (it has always been closed when I have walked past). Many people do not use the internet. Tourists in town have been discovered expressing confusion at the lack of a proper TIC, and have even been directed to local facilities and points of interest by members of the public! Many diverse events take place in our rich and varied town which do not get posted to the internet and are advertised by poster or flyer. An allied concern is the inaccessibility for many of the new box office for the Town Hall at Leisure at Cheltenham, Tommy Taylors Lane. Would the Council consider reinstating a staffed centrally located TIC which carries information about all events taking place in town (including the Festivals and those at the Town Hall) with a noticeboard where local groups can post flyers about changing and lively range of events available?</p>
	<b>Response from Cabinet Member</b>
	<p>I'd like to thank the users of Next Door for raising this issue, because it's important that local people have an eye on our town's tourism marketing activities. I can confirm that we are currently working on plans to reintroduce a seven day a week tourism information offer to the town from Spring 2023, in time for the new tourist season.</p> <p>Tourism information is currently available from Monday to Friday in the revamped Municipal Offices reception, in a staffed area of the council building, a central part of the town.</p> <p>Visitors and residents are welcome to visit the reception area at the Municipal Offices between 9am and 5pm Monday to Friday, (10am to 5pm Wednesday) where maps and town guides are available. Digital screens share up to date information on what's on and where to go in Cheltenham, and printed tourist information is available to collect.</p> <p>The Municipal Offices reception also hosts two telephones alongside two self-service PCs which can be used to find tourist information on the Visit Cheltenham website, or to book tickets for local attractions.</p> <p>Prior to the pandemic lockdowns, tourist information was housed in The Wilson, but that could not be described as a Tourist Information Centre. As part of the successful redesign of The Wilson and the work to boost the local area after the pandemic lockdowns, the decision was taken to place the Visit Cheltenham pod in the High Street - a more central location, hosting a large town map, what's on posters, and free town tourist guides.</p> <p>The initial trial period of the Cheltenham Pod has been extended, but as part of the extension we are rethinking how the Pod can best work for tourists, local community groups and businesses too. As part of this, we are exploring the options for the Pod to be staffed on weekend days from Spring 2023. This approach would give Cheltenham</p>

	<p>visitors access to tourism information in physical town centre locations seven days per week.</p> <p>Promoting Cheltenham as a place to visit is one of our most important priorities. But it's also important to highlight that nationally many local areas have moved away from traditional tourist information centres to alternatives. This particularly includes online channels, given that 84 per cent of British adults have a smartphone and will typically use Google or other search engines to find information.</p> <p>The council has invested in Marketing Cheltenham to promote the town to visitors with a successful website and social media accounts too. In 2021, the Visit Cheltenham website received 2.2million page views, with more than 50,000 people following on social media and 20,000 online newsletter subscribers.</p> <p>The location of the Cheltenham Trust box office is an operational matter for the Cheltenham Trust. However, the location does not exclude anyone from purchasing tickets for any Cheltenham Trust events or shows. Physical events listings brochures are available and can be posted to anyone interested. The box office ticket line enables people who do not have internet access to purchase tickets via a more traditional method. All tickets can be sent by post or picked up on the door at events, so nobody is excluded. Anyone who wishes to collect tickets ahead of events and is unwilling to use the postal service is of course welcome to pick them up from the box office at Leisure@.</p> <p>Finally, it may be instructive to note that Bath, often held up as an example of best practice in tourism, has closed its Visitor Information Centre.</p>
<p><b>2.</b></p>	<p><b>Question from Susan Oscroft to the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson</b></p>
	<p>What plans are there for a Tourist Information Centre in central Cheltenham to replace The Wilson facility? The current booth on the High Street is not compatible with the town's claim to be the centre of Cotswolds tourism.</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>Thank you for the question. It's important that local people have an eye on our town's tourism marketing activities. I can confirm that we are currently working on plans to reintroduce a seven day a week tourism information offer to the town from Spring 2023, in time for the new tourist season.</p> <p>Tourism information is currently available from Monday to Friday in the revamped Municipal Offices reception, in a staffed area of the council building, a central part of the town.</p> <p>Visitors and residents are welcome to visit the reception area at the Municipal Offices between 9am and 5pm Monday to Friday, (10am to 5pm Wednesday) where maps and town guides are available. Digital screens share up to date information on what's on and where to go in Cheltenham, and printed tourist information is available to collect.</p> <p>The Municipal Offices reception also hosts two telephones alongside two self-service PCs which can be used to find tourist information on the Visit Cheltenham website, or to book tickets for local attractions.</p>



Prior to the pandemic lockdowns, tourist information was housed in The Wilson, but that could not be described as a Tourist Information Centre. As part of the successful redesign of The Wilson and the work to boost the local area after the pandemic lockdowns, the decision was taken to place the Visit Cheltenham pod in the High Street - a more central location, hosting a large town map, what's on posters, and free town tourist guides.

The initial trial period of the Cheltenham Pod has been extended, but as part of the extension we are rethinking how the Pod can best work for tourists, local community groups and businesses too. As part of this, we are exploring the options for the Pod to be staffed on weekend days from Spring 2023. This approach would give Cheltenham visitors access to tourism information in physical town centre locations seven days per week.

Promoting Cheltenham as a place to visit is one of our most important priorities. But it's also important to highlight that nationally many local areas have moved away from traditional tourist information centres to alternatives. This particularly includes online channels, given that 84 per cent of British adults have a smartphone and will typically use Google or other search engines to find information.

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Finally, it may be instructive to note that Bath, often held up as an example of best practice in tourism, has closed its Visitor Information Centre.

**3. Question from Jim Markland to the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson**

Sometime ago Cheltenham very understandably declared itself to be the "Festival Town". As life returns to normal post Covid it seems time that Cheltenham "walked the talk", lived up to its ambitions and prepared to properly welcome visitors to the Festivals and the town. As such it is worthwhile thinking of what a visitor might seek out and would appreciate.

Looking at this from my own experience I would suggest a focal point where visitors (and residents!) could obtain assistance with such as the following:

- Late accommodation availability
- Transport local and national
- Parking
- Cycle hire and routes
- Maps and directions including bus routes
- Restaurants/Bars
- Shopping
- Travel tickets such as National Express
- Local walks and points of interest including guided walks
- Local History
- Tickets for events such as all at Cheltenham Theatres
- First Class Public Toilets

At the moment it seems to me that the provision for visitors to the town is sadly lacking, yet we all know too well how useful it is to have such facilities available when visiting any tourist destination, and how much better it is to be able to talk to a well-informed local person than to depend on a computer search.

A centrally located properly functioning tourist information supported by a welcome team (and potentially local societies) cannot fail to be an improvement on the status quo. Please could Cheltenham Borough Council explain their policy and plans with regard to such services?

**Response from Cabinet Member**

Thank you for the question. It's important that local people have an eye on our town's tourism marketing activities. I can confirm that we are currently working on plans to reintroduce a seven day a week tourism information offer to the town from Spring 2023, in time for the new tourist season.

Tourism information is currently available from Monday to Friday in the revamped Municipal Offices reception, in a staffed area of the council building, a central part of the town.

Visitors and residents are welcome to visit the reception area at the Municipal Offices between 9am and 5pm Monday to Friday, (10am to 5pm Wednesday) where maps and town guides are available. Digital screens share up to date information on what's on and where to go in Cheltenham, and printed tourist information is available to collect.

The Municipal Offices reception also hosts two telephones alongside two self-service PCs which can be used to find tourist information on the Visit Cheltenham website, or to book tickets for local attractions. Anyone seeking information on the matters you have raised in your question will be able to use these terminals and though it will not be possible to buy physical tickets from this location, tickets will be available from the relevant outlet, whether that is Cheltenham Festivals, the Everyman Theatre, at Cheltenham Trust venue or a transport provider.

Prior to the pandemic lockdowns, tourist information was housed in The Wilson, but that could not be described as a Tourist Information Centre. As part of the successful redesign of The Wilson and the work to boost the local area after the pandemic lockdowns, the decision was taken to place the Visit Cheltenham pod in the High Street - a more central location, hosting a large town map, what's on posters, and free town tourist guides.

The initial trial period of the Cheltenham Pod has been extended, but as part of the extension we are rethinking how the Pod can best work for tourists, local community groups and businesses too. As part of this, we are exploring the options for the Pod to be staffed on weekend days from Spring 2023. This approach would give Cheltenham visitors access to tourism information in physical town centre locations seven days per week.

Promoting Cheltenham as a place to visit is one of our most important priorities. But it's also important to highlight that nationally many local areas have moved away from traditional tourist information centres to alternatives. This particularly includes online

channels, given that 84 per cent of British adults have a smartphone and will typically use Google or other search engines to find information.

The council has invested in Marketing Cheltenham to promote the town to visitors with a successful website and social media accounts too. In 2021, the Visit Cheltenham website received 2.2million page views, with more than 50,000 people following on social media and 20,000 online newsletter subscribers. All of the information referenced in the question is available on the Visit Cheltenham digital platforms and that is the most appropriate place for accessing such information.

Finally, it may be instructive to note that Bath, often held up as an example of best practice in tourism, has closed its Visitor Information Centre.

**4. Question from Anne Regan to Cabinet Member, Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson**

It is with great dismay when attending the Museum in Clarence Street I learnt that the Tourist Information Desk was no longer in use and had been moved to a kiosk in the High street.

When visiting the kiosk on several occasions it was unmanned with only a few paper leaflets.

- a) Why have you closed down one of national industries big earners for towns and cities?
- b) Are you aware of the loss of income to our town and has that loss been calculated?
- c) How are visitors able to book various location visits in the Cotswolds without a TIO?
- d) How are visitors able to find their way around Cheltenham and book venues?
- e) With the evolving loss of shops etc why is a TIO not relevant to this administration?

**Response from Cabinet Member**

Thank you to former councillor Regan for her question. It is good to hear from her and I'm sorry to learn of her dismay. I can understand that for the majority of her long and dedicated service to this Borough the world will have been a different place and a traditional Tourist Information Centre would have been the default approach. In 2022, local authorities must bridge the gap between providing tourism information for people in the way in which most people expect: online, and physical tourism information. We accept that physical tourist information is still required for those who cannot access the internet via a smart phone during visits. That is why this authority is moving to an arrangement to provide tourism information as described in answers to questions 1 to 3. Despite the detail in my earlier answers, I am happy to provide answers to the five questions posed:

- a) The council has not "closed down one of national industries big earners for towns and cities", as former councillor Regan suggests. Tourism Information Centres typically make a loss.
- b) This is not calculable, though the premise of the question is rejected because there is no evidence. Indeed, in 2021 the Visit Cheltenham website received 2.2million visits. I would suggest that this is significantly more annual visitors than any Tourist Information Centre that Cheltenham has ever had.
- c) Via the providers directly. This will mostly happen via online bookings, but alternative modes of communication are available.
- d) To navigate Cheltenham, Google Maps would probably be the default app for the 84 per cent of the population who have access to a smart phone (other map apps are available). For those without access to the internet, Visit Cheltenham supplies free paper tear-off maps to various tourist and visitor destinations around Cheltenham. Anyone wishing to book a venue would typically contact that venue directly by phone, email or in person.

	<p>Sending a letter or a social media message might also be an option. One of the marvels of the modern world is that we have access to multiple modes of communication.</p> <p>e) The retail environment has indeed been impacted by a number of factors, including changing consumer habits, the government’s failure to reform the broken business rates system and high rents for commercial properties. The coming cost of living crisis will undoubtedly provide further challenges. Former councillor Regan will be interested to note that this authority is working with Cheltenham BID and a respected retail consultant to fill empty shops. Enforcement action will be taken against empty premises which have been allowed to fall into a state of disrepair. The TIO element of this question has clearly been superseded by answers elsewhere.</p> <p>Noting the general theme of her question, I am sure former councillor Regan will be pleased to read the detailed answers to other questions, which deal directly with the substantive matter of tourism information.</p>
<p><b>5. Question from Anne Regan to Cabinet Member for Housing, Councillor Victoria Atherstone</b></p>	
	<p>a) How many empty properties are there in Cheltenham Town Centre above retail premises?  b) Has the Council approached any of the landlords and how many?  c) Has the Council considered the number of homes that could be provided by conversion?  d) Has the Council sought funding streams from outside bodies for financially covering conversions?  e) Has the Council a timeline for this type of project?</p>
<p><b>Response from Cabinet Member</b></p>	
	<p>Thank you Anne for your questions about trying to identify more potential residential property in our town centre above retail premises.</p> <p>In partnership with the Cheltenham BID, the Council is currently working on a programme, approaching retail property landlords to address empty retail units in the town centre. This activity will include a review of the current status of empty shops in key streets, as well as business engagement and potential enforcement action by the Council against landlords who do not ensure their premises are well-maintained. It will also lead to work to promote vacancies to encourage new retailers and businesses to move to the town centre.</p> <p>We have also fairly recently conducted a review to identify how many long-term vacant residential properties above retail premises there are in the town centre area, this currently stands at ten. Some years ago, the Council did offer financial assistance through grant aid to help landlords of retail properties, convert living spaces above their property. Unfortunately the take-up was very low and not purely down to the unwillingness of the landlords but also due to structural barriers such as:</p> <ul style="list-style-type: none"> <li>• fire safety due the design of such buildings</li> <li>• lack of shop flexibility associated with storage capacity</li> <li>• security concerns</li> <li>• heritage constraints associated with separate access to the residential accommodation</li> </ul> <p>Although there are such barriers in many cases, there is also always scope to find more opportunities to work with landlords to provide such accommodation.</p> <p>It is also worth noting, the Council is currently working on a programme through the Gloucester, Cheltenham and Tewkesbury Joint Strategic Plan, to assess the urban capacity of the borough; this includes opportunities across the town centre and will assess the future development needs of our area.</p>

	<p>Including highlighting the possible need for more town centre residential accommodation, as we do not currently know the number of retail premises capable of conversion to provide such accommodation.</p> <p>After the conclusion of this programme of work, the Council may seek opportunities to secure similar funding streams, as we did before, from outside bodies to help retail landlords cover some of the costs for such conversions.</p>
<p><b>6.</b></p>	<p><b>Question from Dr Cook to Cabinet Member for Safety and Communities, Councillor Flo Clucas</b></p>
	<p>I am pleased to see the council has been using the “No child left behind” public health informed approach to improving outcomes for vulnerable children. The council will be aware that people are said to be experiencing fuel poverty when they cannot afford to heat their home to a reasonable temperature. Before the pandemic, over 13% of all households in England (3.2 million households) were living in fuel poverty, according to government figures. The British Medical Journal reports that “children growing up in cold, damp, and mouldy homes with inadequate ventilation have higher than average rates of respiratory infections and asthma, chronic ill health, and disability. They are also more likely to experience depression, anxiety, and slower physical growth and cognitive development.” Most families will face significant adversity this winter, due to inflation, rising housing costs &amp; rising energy prices. In particular, the government's plans for real terms cut in benefits, will affect poorer families the most. Therefore, the council will be aware that many people in Cheltenham will be very likely to experience significant risks to their health, placing more burden on the NHS, and we can expect a large rise in the number of people, including families, being at risk of, and becoming homeless. In view of these major risks, I surmise that the insufficient action by the council, having at this stage, only offered people advice on keeping warm, the council is complicit in harming children, who will be exposed to fuel poverty &amp; its consequences, and therefore it appears the council has abandoned the No Child Left Behind Approach. In order to continue the good work of the council, especially to protect the most vulnerable this winter, will the council commit to further work on its “Cost of Living Emergency” declaration in July 2022, in particular, will the council use existing networks to promote sources of support for vulnerable people &amp; families, including promoting the council’s ability to take enforcement action on inadequate private rentals, will the council make such promotion more accessible, such as posters, leaflets, and talks, via schools, social services, GP surgeries, public transport and the library? Will all councillors commit to giving some of their time to educate the communities within their local wards?</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>Thank you for your question Dr Cook.</p> <p>Whilst there is much within your question with which I agree, I would like to go through some of the work that has been done both by the Council and with our partners in order to reassure you that the Council remains very much committed to both No Child Left Behind and to supporting the most vulnerable in our communities. The link to the council report recommitting to NCLB in March 2022.</p> <p><a href="https://democracy.cheltenham.gov.uk/documents/s39665/2022_03_21_COU_No_Child_Left_Behind.pdf">https://democracy.cheltenham.gov.uk/documents/s39665/2022_03_21_COU_No_Child_Left_Behind.pdf</a></p> <p>As a reminder, No Child Left Behind, which was begun some four years ago, is a local partnership that is working to:</p> <ul style="list-style-type: none"> <li>• Raise awareness of the issue of child poverty;</li> <li>• Address the inequality gap through events and activities; and</li> </ul>

- Work together to make transformational change over the longer-term.

The No Child Left Behind Partnership is incredibly strong. We have built a town-wide coalition of like-minded partners who are determined to take action so that all our children have the opportunity to thrive. To date 24 schools have signed up alongside 57 organisations including 16 businesses.

No Child Left Behind works closely with local schools, both with our primary schools through the Cheltenham Learning Partnership and secondary schools through Cheltenham Education Partnership. Both our laptops for learning programme and our holiday activity schemes have reached out to every school in Cheltenham.

Through No Child Left Behind we have successfully run the Government holiday activity and food programmes for local children on free school meals with 778 children attending, 1034 activity sessions provided directly by No Child Left Behind and many more children reached by partner organisations. In addition 2,000 food hampers were made available through the HAF programme to children and families over the summer holidays thanks to #FeedCheltenham Partners.

Under the banner of No Child Left Behind, the council has worked extensively with our community food network, #feedcheltenham, to make sure that our children and indeed our families are able to access warm spaces this winter.

All our community food providers have seen significant increases in the number of customers they are seeing. But this increase in demand comes at a time when both the cost to them of food and energy is rising and the amount of food being donated is dropping off leading to a cash squeeze on their finances – we have estimated that this gap equates to £2k per week across four community food pantries.

In response, the council has agreed financial support worth £65k which have gone to seven community food providers. These grants will help support the organisational resilience of these community food providers and recognise the hard work that is being done to alleviate the cost of living crisis faced by our local residents.

In addition, to mitigate the impacts of the cost of living crisis, we are working with our community food providers we are about to launch a campaign called #warmcheltenham.

This will have three elements:

- A network of warm spaces that people can drop into keep warm if they can't afford to heat their homes during the day. So far 7 community venues have come on board but more are being encouraged to join-up. A campaign called donate the rebate to encourage more affluent people in receipt of the £400 energy rebate to donate this to the warmcheltenham campaign.
- An advice leaflet that will be pushed out via community centres, libraries, schools and GP practices

We use Household Support Fund which is DWP money channelled via GCC to districts to ensure financial support gets to those that are most vulnerable in our communities. We are using this to support a range of community partners – see below.

Provider	Household Support Fund Activity	allocation
#feedcheltenham	Supermarket food vouchers and	50,175

	food pantry tokens	
Cheltenham Children Centres	Household items (eg cleaning / toiletries) for vulnerable families with under 5s, plus clothes, shoes & bedding vouchers.	21,262.5
Food Bank - energy vouchers	Fuel Bank Foundation vouchers provision via Cheltenham Food Bank, CCP and Springbank	52,537.5
CHEP	Access to household essentials / one-off items to vulnerable families, plus clothes, shoes & bedding vouchers.	11,700
CCP	Access to household essentials / one-off items to vulnerable families, plus clothes, shoes & bedding vouchers.	11,700
Citizen's advice	Clothes, shoes & bedding vouchers.	2475
		149,850

I agree with you Dr Cook that the issue in relation to health is significant and that's why we work with health partners also. Working with NHS partners, we have recently devised and launched a grant scheme that offers grants of up to £10k for community-based organisations to support individuals or communities that face health inequalities that are likely to have been worsened by the pandemic and/or the cost of living crisis.

In addition, through Heads Up we are working extensively with our partners to try to ensure that mental health issues are kept at a minimum and have just initiated a cross sector task group to research the lived experience of young people to investigate concerns including eating disorders, abuse on social media platforms and anxiety around the future. This will support further partnership work to help our young people during this very challenging time.

I hope this response makes it clear that this council is very much committed to supporting our communities through the cost of living crisis and that this commitment includes our officers and, with a nod to your last question, all my councillor colleagues who will be working tirelessly to support their local residents.

**Supplementary question**

Thank you for that comprehensive answer, it is helpful to consider what the community of Cheltenham has done. Can the Cabinet Member explain what enforcement activity, such as rent repayment orders (as implemented by the Council in 2018) and preventions of no-fault evictions, the council plans to make?

**Response from Cabinet Member**

I do not have that information to hand but will provide you with a written answer in due course.

**7. Question from Dr Cook to the Leader of the Council, Councillor Rowena Hay**

In light of the report by the Liberal Democrat National Party Standards Office, which found Mayor Sandra Holliday guilty of bullying, and suspended her membership of the Party for 12 months, will the Leader of the Council inform the people of Cheltenham, whether the Leader of the Council

	believes Councillor Holliday’s position as Mayor of Cheltenham, and Councillor for St Mark’s Ward, is compatible with the Nolan Principles, “to treat all persons fairly and with respect” and to “lead by example and act in a way that secures public confidence in the role” when Councillor Holliday has been determined to have acted as a bully and a racist by her own Party?
<b>Response from the Leader of the Council</b>	
	Good afternoon Dr Cook, as your question is directed to the Leader of the Council, I am responding in that position. The matter that you refer to was dealt with by the national Liberal Democrat Party, and I am not privy to the complaint in detail. I have been informed of the outcome, namely that Cllr Holliday is suspended from being a member of the party for a period of 12 months. The national party will, I am certain, have had the Nolan Principles at the forefront of their minds in coming to the conclusion that they did.
<b>Supplementary question</b>	
	Can the Leader of the Council confirm that she has not read the decision notice from the Liberal Democrats Complaints Panel issued on 20 September, which states on page 8 that the Leader of CBC and all Liberal Democrat councillors would receive a copy?
<b>Response from the Leader of the Council</b>	
	I can confirm that I received the decision notice stating the outcome of the complaint, and shared it with all Lib Dem councillors as requested by the party. I was not privy to the panel itself, which was not in the public domain.

**8. MEMBER QUESTIONS**

<b>1.</b>	<b>Question from Cllr Tim Harman to the Cabinet Member Finance, Assets ad Regeneration, Councillor Peter Jeffries</b>
	Will the Cabinet Member confirm the cost of the recent refurbishment to the Reception area in the Municipal Offices?
<b>Response from Cabinet Member</b>	
	The cost of the building works, refurbishment of the new reception and provision of new office space on the ground floor is £121k. This includes all design, build and finish costs for the space which now provides a number of different ways in which customers can access support and advice from the Council. An additional £7k has been spent to furnish the offices, meeting rooms, customer phone terminals and breakout space which can be used by customers and officers.
<b>2.</b>	<b>Question from Cllr Tim Harman to the Cabinet Member Finance, Assets ad Regeneration, Councillor Peter Jeffries</b>
	Will the cabinet member indicate how many staff normally based at the Municipal Offices work remotely, how many regular attend in person and how often staff working remotely attend the offices?
<b>Response from Cabinet Member</b>	
	This answer includes only Council employees and not staff working for other organisations who are based at or lease space in the Municipal Office building.



	<p>There are approximately 250 Council officers whose base office is the Municipal Office building. This also includes officers who are customer facing and may undertake most of their work outside of the office.</p> <p>The recent changes to the office building, including the re-opening of the Reception to the public and rationalisation of office space and move to agile working arrangements has supported a more hybrid working environment.</p> <p>Staff are now able to work between the office and home more flexibly and there is more fit for purpose space for staff such as the Neighbourhood team or Parking Enforcement officers to drop into the office between the time they are moving around the town.</p> <p>The office accommodation project was set up before COVID-19 and occupancy numbers at that stage were around 56% which equates to around 140 staff. The new layouts on the ground and first floor allow for 122 working spaces for Council officers, Publica staff, SWAP and One Legal.</p> <p>A full survey on occupancy post COVID-19 has not yet been completed but an indicative survey undertaken on four days following the receipt of this question showed an average of 63 Council officers were based in the office for at least some of the day.</p> <p>The occupancy of the office will continue to be monitored to ensure that the space continues to meet their needs and be fit for purpose for hybrid working.</p>
<b>Supplementary question</b>	
	<p>I can see that things are still ongoing and people are working hard, but the building does feel empty. Given the energy issues we face at the moment and the cost of running this building, what other steps can we take to increase home working and reduce energy costs?</p>
<b>Response from Cabinet Member</b>	
	<p>As you rightly say, there is a lot of empty space in this building. There is an ongoing process of consolidation and review to ensure the building is making best use of its office space and not wasting energy.</p>
<b>3.</b>	<b>Question from Cllr John Payne to the Cabinet Member Climate Emergency, Councillor Alisha Lewis</b>
	<p>The decision by the Planning Committee to approve the Ice Rink for one year, was described by the Chair as a balanced decision, taking into account the economic benefit to the town and its businesses against the 100 tons of NO<sub>2</sub> that would be produced from the generators. 100 tons is a relatively small amount when compared to the total pollution burden in Cheltenham, but the 100 ton burden is being delivered over a relatively short period of time in a very restricted area. On the theme of balance what plans do CBC have to offset this burden, and restore the Council's reputation as a Council committed to climate change?</p>
<b>Response from Cabinet Member</b>	
	<p><i>Background: Last Christmas, the ice rink in Imperial Gardens used a total of 44,530 litres of standard diesel equating to 117.51 tonnes CO<sub>2</sub>e (Please note: Not NO<sub>2</sub> as per question). Based on our declared emissions in 2020-21 of 5,070 tonnes CO<sub>2</sub>e, the ice rink generators therefore increased the council's total organisational emissions by 2.32% in 2021-22. This figure related to diesel use only.</i></p>

	<p>Officers are currently working on plans for the ice rink this Christmas and the current tendering exercise reflects the need to adhere to planning conditions relating to fuel type, emissions and noise. Both Cabinet and the Planning Committee have made clear that the rink must have a lower carbon footprint and cannot rely on standard diesel. Final details about the ice rink are expected to be confirmed during October.</p> <p>Officers are requesting information about the sustainability of all potential suppliers through the procurement process and will score responses against this. Suppliers are required to include in their Tender submission what procedures they have in place to reduce or eliminate single use products (such as plastic), supply chain miles, arrangements for recycling, and other sustainability methods and measures. In particular the suppliers of power to the site will be expected to provide information about procedures in place to reduce the carbon impact of fuel sources and supply chain miles, as well as demonstrating they have an effective and comprehensive sustainability policy and other sustainability methods and measures.</p> <p>As reported at scrutiny committee earlier this year, the Council is involved in a wide range of projects aligned to the Carbon Emergency Action Plan adopted in February this year and is targeting a reduction in its own energy use of 20% over the next 12 months. In addition, the property team is looking at the feasibility of installing an upgraded mains electricity supply to Imperial and Montpellier Gardens, to help reduce the carbon impact of future event-related activities. This is the subject of a funding bid at present and more information will be available in due course.</p>
<b>Supplementary question</b>	
	<p>Thank you for a comprehensive and eloquent reply and for correcting an error of mine. What I am not clear about, and would be grateful if you would clarify, is what exactly the council will do to mitigate the 100 tons of CO2?</p>
<b>Response from Cabinet Member</b>	
	<p>I would love to give a very comprehensive answer to this, but we are still currently in the procurement process and will need to wait until we have a fuller picture of the situation.</p>
<b>4.</b>	<b>Question from Cllr Wendy Flynn to the Cabinet Member Housing, Councillor Victoria Atherstone</b>
	<p>Gloucestershire County Council is moving forward with plans to install 1,000 on-street electric vehicle charging points over the next 3 years.</p> <p>Cheltenham Borough Council (CBC) owns approximately 5000 homes, managed by Cheltenham Borough Homes (CBH).</p> <p>What plans do CBC and CBH have to install, or facilitate the installation of, charging points at the homes of tenants wishing to use an electric vehicle and will efforts be made to secure some of the County's 1000 points for tenants living in council housing and, in particular, council owned flats?</p>
<b>Response from Cabinet Member</b>	
	<p>Gloucestershire County Council (GCC) is planning to install 1,000 electric vehicle charging points across the county. The main focus of this project will be residential locations without off street parking; their aim is to create a wide geographical spread of charging points. GCC will soon be consulting CBC officers on a list of potential proposed locations for charging points.</p>

	<p>This will give CBC the opportunity to advise on the potential for some of these to be secured for the benefit of council tenants (in collaboration with Cheltenham Borough Homes). Any final decisions regarding the actual location of these charging points will be subject to further detailed feasibility checks etc. (e.g. network capacity) by GCC.</p> <p>Please note that council tenants who wish to install their own electric vehicle charging points can do so with our permission, via Cheltenham Borough Homes. At present, only a very small number of tenants have made such requests, but we do anticipate that demand will rise, so Cheltenham Borough Homes will lead on developing a policy which will help provide clarity to tenants on the processes that have to be followed before any permissions can be granted.</p>
	<p><b>Supplementary question</b></p>
	<p>Will the Cabinet Member consider a scheme (maybe in conjunction with the county) for council tenants and leaseholders where CBH arranges the installation of a charging point and invoices the tenant at cost price, thus ensuring quality and safety and enabling tenants to benefit from economies of scale?</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>This is a sound idea and one that we have already discussed with CBH. We would have to work in partnership with Cllr. Lewis and look to collaborate with the county council, especially with on-street parking.</p>
<p>5.</p>	<p><b>Question from Cllr Emma Nelson to the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Cllr Max Wilkinson</b></p>
	<p>Anyone visiting Cheltenham seeking Tourist Information might do one of two things...</p> <p>Those who have a smart phone (apparently 84% of the adult population) might look on Google Maps, and those without, (the remaining 16%!) will likely head for the town centre (in Cheltenham's case probably Montpellier or the Promenade) and seek out prominent notice boards or similar.</p> <p>So, what is Google Maps response? A search for "Tourist Information Centre Cheltenham" only gives results showing Bourton on the Water and Winchcombe.... plus a reference to 77 Promenade, Cheltenham – "Permanently Closed", but thankfully also listing the website link for <a href="http://visitcheltenham.com">visitcheltenham.com</a>.</p> <p>How will the 16% (est 320,000 people / year) get on?</p> <p>Well, depending on where they find themselves and assuming they are somewhere near the town centre, they may come across one of two types of information maps / notice boards currently displayed around town.</p> <p>There are the traditional distinctive black Cheltenham Spa <b>Information notice boards</b> – all containing "VISIT CHELTENHAM The Festival Town" maps with the familiar "i" clearly shown on the map and including a large yellow highlighted block specifically advertising the Cheltenham Tourist Information Centre located at the Cheltenham Art Gallery and Museum.</p> <p>These classic display boards are sited at various prime locations around the town. Two of the most prominent are sited, one by Neptune's Fountain and another adjacent to the Long Gardens (Gloucestershire Constabulary). There are similar displays around the town including one by Imperial Gardens, another further along the Prom opposite Martin &amp; Co and another on</p>

	<p>the High Street (by The Entertainer).</p> <p>Bearing in mind that those without smart phones may possibly be less mobile, they will then make their way to The Cheltenham Art Gallery and Museum only to find no TIC there!</p> <p>There are also several, more modern look, notice boards at strategic sites around the town including in Montpellier (by entrance to Montpellier Gardens), Imperial Square (outside 131), Imperial Gardens (outside the Quadrangle), at Neptune’s Fountain, on the Promenade (by the Minotaur) and on the High Street (opposite TSB), again all containing maps showing where the “i” (TIC).... is.... At the Wilson!</p> <p>Some of these boards are in a sorry state, damaged and with graffiti. Bath Parade Car Park also has a <b>Cheltenham Spa Information board</b>, this time with an attached black metal box - “Cheltenham Town Centre Map Available Here for £1”!</p> <p><b>Whose job is it to keep these up to date?</b> Given the high footfall of tourists into the Town, particularly during key festivals such as the current Literature Festival, <b>surely these strategic sites should be checked, updated and maintained?</b></p> <p>This does not reflect well on the town’s ambitions to attract more tourists.</p> <p><b>Please explain why it has taken so long to update this crucial town centre tourist information on these noticeboards at a time when we are trying to encourage visitors to our town?</b></p> <p>This administration are now covering Tourist Information in a small POD on the High Street, displaying the “VISIT CHELTENHAM the Festival Town” logo. The pod is often locked and unmanned - <b>how do visitors to Cheltenham find this pod?</b></p> <p>We were told that the pod in the High Street is a trial, now extended, that there were plans to change the set-up at the pod, or ‘information exchange’, <b>and we could expect more developments at the pod in September.... What developments?</b></p> <p><b>How long will this trial be? How will you judge whether the trial is a success or not? What criteria will you use? How can the High Street be seen as a “more central” tourist location than The Promenade</b>, home to Neptune’s Fountain, the Minotaur, The Long Gardens and the War Memorial??</p> <p><b>Would you consider siting a TIC in the newly refurbished and splendid Municipal Office Reception Area where it could be manned – surely this would be an excellent location for a fully functional TIC?</b></p>
	<p><b>Response from Cabinet Member</b></p>
	<p>Thank you to Councillor Nelson for submitting such a lengthy and detailed comment. For clarity of response I have attempted to extract the direct questions posed:</p> <p><b>1(a) Whose job is it to keep these up to date?</b> and  <b>1(b) Surely these strategic sites should be checked, updated and maintained?</b></p> <p>My assumption is that you are referring to various information and wayfinding boards around the town. These are the responsibility of the Borough Council townscape team. Officers are investigating a solution and the removal of erroneous signs for tourist information is a priority.</p> <p>2. We were told that the pod in the High Street is a trial, now extended, that there were plans to change the set-up at the pod, or ‘information exchange’, <b>and we could</b></p>

	<p><b>expect more developments at the pod in September.... What developments?</b></p> <p>Councillor Nelson may have noted updates to event signs in the Pod. Councillor Nelson may also have noted posters advertising the Pod for use by community groups. In recent days, she may have noted that University students used the Pod. A defibrillator has also been installed there, courtesy of the Public Hearts Cheltenham Defibrillator Campaign.</p> <p><b>3. How long will this trial be? How will you judge whether the trial is a success or not? What criteria will you use?</b></p> <p>The initial trial period has been extended for an indefinite period. Success will be judged by the number of community groups that take up an offer to use the Pod space, as well as revenue generated by hires from businesses. In due course, when the possible use as a tourism information base from next spring is realised, that will also feature in the success criteria.</p> <p><b>4. Would you consider siting a TIC in the newly refurbished and splendid Municipal Office Reception Area where it could be manned – surely this would be an excellent location for a fully functional TIC?</b></p> <p>Yes. That is exactly what is happening. For more information, Councillor Nelson can refer to the answers to public questions put to today’s meeting.</p>
<b>Supplementary question</b>	
	<p>Thank you for a very lengthy and comprehensive response. Within the initial question, I asked why it has taken so long to update the crucial tourist information boards in the Town Centre, at a time when we are trying to encourage more visitors to the town.</p> <p>In an answer to an earlier public question, you stated that tourism information was currently available from Monday-Friday in the revamped Municipal Offices reception, but this doesn’t seem to be the case.</p>
<b>Response from Cabinet Member</b>	
	<p>I had been assured that tourist information would be available in the new Municipal Offices reception before this meeting, I apologise if this isn’t the case yet and will follow it up.</p> <p>We have lots of different wayfinding signs, some of which are very old and some of which are newer, with various information on. Officers are working on a new wayfinding strategy at the moment, and I will update Council as and when this is in place.</p>

**9. HEATING AND ENERGY POLICY**

The Cabinet Member for Climate Emergency introduced the report, saying that everyone was aware of the current cost-of-living crisis and spiralling energy costs, and that as well as making sure residents have access to advice and information, the council must lead by example and take action to lower its own energy bills, while protecting its finances and the planet. Its large portfolio, which includes Trust properties and Cheltenham Borough Homes, results in high energy use, and the report sets out a pathway, starting with benchmarking to understand better our energy use and make sure solutions are equitable, and taking account of changes in the way we operate, such as encouraging on-line meetings where possible, retrofitting older buildings rather than demolishing them, and looking for innovative solutions such as solar power. She thanked the climate, finance and property teams for their hard work, and asked

Members, as civic custodians of the property portfolio, to make sure they lived according to the principles in the document and encouraged partnership organisations to do the same – meeting Net Zero is a team sport, and we must work together to achieve our climate goals.

Members thanked the Cabinet Member for Climate Emergency for her comprehensive and diligent report. In response to Members' questions, she said:

- she was conscious that the Municipal Offices are old and large, with a heating system that doesn't work as well as we would like. She confirmed that its future was under constant review, and where possible, officers were encouraged to work from home;
- she had no reports of staff currently working from home deciding to work in the office to save on heating bills, so could give no opinion on the potential implications of this - she will make some enquiries;
- regarding the council's carbon footprint, consideration of this tended to focus on its properties rather than any increase incurred by encouraging staff to work at the office rather than at home, resulting in additional vehicle use, single-use plastic and so on. The council is always looking for alternative solutions, encouraging staff to understand the impact of what they do, and looking at ways to be more sustainable – it was all about finding the best ways to do business with the lowest possible climate impact;
- regarding Scope 3 emissions, which seem to be quite low in the report, those of the council are different from those of an average business, and she hopes to present meaningful and accurate statistics, looking at work the council and its partners do. It is an ongoing project;
- she confirmed that Cheltenham Trust is a key priority in the report, particularly as it includes many beautiful heritage buildings which the council wants to preserve for future generations while reducing operation costs;
- she shared a Member's concern that energy, gas and water usage would no longer be included in tenants' service agreements, leaving them responsible for managing their own consumption. She did not want to leave tenants at the risk of the market with prices spiralling, and was working with the public sector decarbonisation fund, looking to retro-fit existing properties, and making sure future properties were more sustainable and cheaper to run and heat. Cheltenham Trust is the focus of the report, but CBH tenants will always have support.

Members then moved to the debate, where the following points were made:

- CBC is taking the climate crisis issue very seriously, and will need to take a more pragmatic planning approach to support residents and businesses who want to make their conservation area or listed homes and buildings more energy efficient, with solar panels, double glazing, air source heat pumps and so on. Officers are

understandably bound by policy, which leads them to recommend refusal, but Planning Committee is more inclined to permit these proposals going forward;

- Cheltenham's bigger buildings face tough decisions, such as the Lido, which will see a huge increase in its energy bill when its fixed term contract comes to an end;
- consideration should also be given to smaller buildings which are now surplus to council requirements, such as the building in Sandford Park – should this be sold off to a developer, demolished, or re-purposed?
- the report is very welcome, but with the climate emergency declared in 2019 and the cost-of-living crisis in July, the council needs to act faster – it is not being responsive enough;
- the energy cap will now not apply after April, which will have a huge impact on people all across the country. It would be helpful if the Cabinet Member could look into this and bring a report to the next meeting;
- the report doesn't just set out new ideas but also highlights what the council has already done to tackle the climate emergency. The declared climate emergency, motions, and adopted supplementary planning document set out the assumptions we want private developers to make regarding renewable energy, and the next review of the Cheltenham Plan and Joint Core Strategy (Joint Spatial Plan) should include very strong policies to combat climate change and energy use. The Planning Committee has made some brave decisions, including to permit the first zero carbon private housing development in Leckhampton, which demonstrates the council's commitment to take this agenda forward;
- it is hoped that the development in West Cheltenham will build in energy efficiency from the start rather than needing to retro-fit in the future.

Summing up, the Cabinet Member for Climate Emergency welcomed the assurance that Planning Committee was working to ensure that developers live up to the council's aspirations, and agreed that the SPD is a useful tool for heritage and conservation applications. She said she would be happy to meet with the Lido Trust to discuss solutions to their future energy bills, and confirmed that a lot of partnership work across the Cabinet is taking place to solve the problems which will arise for residents when the energy cap comes to an end.

The Mayor moved to the vote where Members voted unanimously in support of the recommendations as follows:

- 1. to approve the Heating and Energy Policy included in Appendix 2;**

2. to delegate to the Director of Climate Change, in consultation with the Director of Finance and Assets (Deputy s151 Officer), responsibility for monitoring the implementation of the Policy.

**10. ANNUAL REPORT ON OVERVIEW AND SCRUTINY**

Councillor Payne said that he was pleased to present the report, but made it clear that it was mostly the work of the former Chair, Chris Mason, who changed the face of Overview and Scrutiny, in particular in how reports were presented, limiting reports to one page and presentations to 10 minutes to allow Members more time to discuss and challenge. The list of areas under scrutiny is wide-ranging, and the vast majority of those invited to the meetings are pleased to share what they are doing, with one or two exceptions in the past – in particular the NHS and former Police and Crime Commissioner (PCC). He was happy to report that the new PCC attended a recent meeting, spoke openly and at length, and was happy to answer all Members' questions. He had no hesitation in recommending the report to Members, and continued use of Overview and Scrutiny to challenge elements that need to be challenged. Members can be confident that the committee can continue to do this, working in a constructive and supportive way for all people.

A Member thanked Councillor Payne and his predecessor for their excellent work, but asked whether the committee could take another look at healthcare provision, in view of the recent CQC report. She realised this should be a matter for the county Health Overview and Scrutiny Committee (HOSC), but felt that if CBC's Overview and Scrutiny Committee were able to look at the report in relation to what is happening in Cheltenham, it could be useful and potentially match or supersede the HOSC report.

A Member said that he would be attending a joint meeting of the county HOSC and Adult Social Care Committee the following day, which would be considering the CQC report. He added that representatives of the NHS Trust had attended Overview and Scrutiny in the past, which had been very constructive.

Councillor Payne agreed that the CQC report made very poor reading; Cheltenham should not accept the appallingly poor healthcare provision and lack of access to services – this was highlighted on the Overview and Scrutiny Task Group on deprivation. He said he would be happy to invite local or Gloucestershire NHS managers to Overview and Scrutiny to justify what they are doing.

The Leader thanked Councillor Payne for the report and for the excellent work of Overview and Scrutiny, and also for chairing the committee. A Member who is currently chairing one of the task groups also wanted to add thanks to the unnamed officers for all their input, and Democratic Services for making the meetings run.



Councillor Payne thanked Members for their comments, and agreed that the level of support for committees provided by officers and Democratic Services was outstanding – he offered sincere thanks to them, and to current and previous Members of Overview and Scrutiny for all the work they do.

The Mayor moved to the vote, where Members voted unanimously in support of the recommendation:

- 1. that the Annual Report of Overview and Scrutiny 2021-22 is noted.**

**11. NOTICES OF MOTION (A)**

**Motion A: Supporting Proportional Representation for UK General Elections**

**Proposed by Councillor Baker, seconded by Councillor Wilkinson**

**This Council notes that:**

**The First Past The Post (FPTP) electoral system originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men.**

**In Europe, only the UK and authoritarian Belarus still use the archaic, single-round FPTP system for general elections while Proportional Representation (PR) is used to elect parliaments in more than 80 countries. Those countries tend to be more equal, freer and greener.**

**PR ensures that all votes count, have equal value, and that seats won match the votes cast. Under PR, MPs and Parliaments better reflect the age, gender and protected characteristics of local communities and the nation.**

**MPs better reflecting their communities leads to improved decision-making, wider participation, and increasing levels of ownership of decisions taken.**

**PR would also end minority rule. In 2019 43.6% of the vote provided one party with 56.2% of the seats and 100% of the power. PR also prevents 'wrong winner' elections such as occurred in 1951 and February 1974.**

**PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland and should be extended to elections to the Westminster Parliament.**

**Council therefore resolves to request that the Chief Executive writes to the relevant minister in the Cabinet Office urging the bringing forward of legislation to enable Proportional Representation to be used for general elections.**

Councillor Baker was delighted to propose the motion, which proposed rejection of the archaic and unrepresentative first-past-the-post system, and adoption of

proportional representation instead. This is a longstanding aim of the Liberal Democrats and Green Party, supported at the recent Labour Party Conference, and also with a small number of advocates in the Conservative party. He said that the UK is almost alone in Europe in continuing with this system – the others being Belarus and France – and it leads to millions of wasted votes, with some parties completely under-represented and others grossly over-represented.

He told Members that in the 2019 general election, the Conservatives received 43.6% of the votes yet were rewarded with 56% of MPs, forming a majority government despite having failed to persuade 50.1% of the electorate to vote for them. Labour won 32% of the votes and 31% of MPs, Liberal Democrats 11.5% of the votes and 1.7% of MPs, the Green Party 2.7% of the vote and 0.7% (1) MP, and Brexit 2% of the vote and no MPs. The FPTP system doesn't deliver representative government; it is not fair or representative or democratic. There are several types of PR system, but whichever one is used, he said it would result in a government that reflects the wishes of the majority, and doesn't waste millions of vote for UKIP, Brexit, the Green Party, the Liberal Democrats, Labour voters in the south and Conservative voters in the north. In 2019 it took 38k votes to elect a Tory, 50k to elect a Labour candidate, 334k to elect a Liberal Democrat, and 864k to elect a Green Party MP.

He noted that it is argued that PR doesn't return constituency MPs, but said this depends on the system chosen – the mixed member PR system in Germany and the Scottish and Welsh assemblies keeps local MPs, people are properly represented and have access to their MP. It is also said that coalition governments are weak and indecisive, but many European countries have shown that coalition governments can be effective, successful and representative, truly reflecting the values of the majority of the people.

In seconding the motion, Councillor Wilkinson pointed out that the single best argument for the FPTP system – strong government, consistent leadership, clarity of purpose – was clearly not working out at present. The system freezes out minority voices, and can never be successful – there has been no single party government with the support of more than 50% of voters in anyone's memory. The Labour landslide in 1997 was won with 43% of the vote, the Conservative landslide in 2019 with 43% of the vote, yet they lost their majority in 2017 with 42% of the vote – this doesn't give clear outcomes, reflecting the will of the electorate.

He reminded Members that the only other place in Europe using a FPTP system in Belarus – not a favourable comparison – which is why it is important to support the Councils for PR campaign. He recently spoke at its cross-party panel launch, alongside Green Party, Labour and Independent representatives. He said PR is not about stopping certain people from getting power, but ensuring that all votes count equally and that everyone has the chance to impact the outcome of an election. This applies equally to Conservative voters in Liverpool, Labour voters in Cheltenham, Green Party voters anywhere outside Brighton, and Reform UK (Brexit) or UKIP voters just about anywhere. It isn't the liberal way to revel in their opponents' voices being quashed, but without change we will continue to have dysfunctional governments that serve nobody. He therefore urged Members to back this worthy and just campaign.

The Conservative group leader said his group would not be voting in support of the motion, though noted that it only referred to general elections and, ironically, there would be a lot more Conservative Members if PR had been used at the last local election. He reminded Members that as part of the Liberal Democrats' coalition deal in 2011, a referendum on the alternative voting system was held – it was rejected by 66% and cost £75m. The Brexit referendum cost £150m, and apart from the cost, he did not think a referendum on PR would be a priority for British people at the moment. He felt that encouraging more people to be involved and vote was the best way forward.

Councillor Flynn said she supported the motion, as PR ensures every vote counts and is of equal value and seats won match votes cast. She said that under PR, MPs and parliaments better reflect voters and communities, leading to improved decision-making, wider participation, and increased levels of ownership of decisions. It would also end minority rule, as demonstrated by the average results of the last two CBC elections, where the party with 49% of the votes were rewarded with 70% of the seats and 100% of the power. She said this demonstrated that local elections were unfair, undemocratic and did not reflect voters' views, and pointed out that Northern Ireland had used PR for local elections since 1973 and Scotland since 2007.

She proposed an amendment to the motion to include local elections, with the additional of 'and local' between 'general' and 'elections':

The proposed amendment was seconded by Councillor Joy. She told Members that she first voted at a general election in 2010, and as councillor for St Paul's ward had now come full circle in seeing how people interact and engage with democracy. She said everyone in the room knew the value of local democracy, how vital it was to ensure people engaged, and it was superfluous to say there was a difference between general and local elections – if people can have a real say in what is happening locally, their faith in the electoral system will be rewarded, and they are more likely to engage. Many local regions in European countries work well without one strong figure in charge, and local government should be a microcosm, part of a strong eco-system of participation.

Councillor Baker was supportive of Councillor Flynn's comments, but said the motion was part of a national campaign for general elections, being proposed by councils up and down the country. He would therefore prefer to stick with the motion as given.

A Member wondered how the proposed motion would affect Scotland, Wales and Northern Ireland, if it is a UK-wide campaign, and already use PR in their national elections.

Councillor Flynn said she was struggling to understand why the insertion of two words – 'and local' – was unacceptable to Councillor Baker. The Fair Votes in Local Government campaign is a campaign of the Electoral Reform Society. She wondered if his reluctance to adopt her amendment had anything to do with the fact that it would result in the Liberal Democrats losing control of Cheltenham Borough Council. She repeated that PR in local elections would be fairer and give local people more of a say and be properly represented.

With no more debate, the Mayor invited Members to vote on Councillor Flynn's amendment to the motion:

**Council therefore resolves to request that the Chief Executive writes to the relevant minister in the Cabinet Office urging the bringing forward of legislation to enable Proportional Representation to be used for general and local elections.**

The vote was as follows:

**4 in support, 25 in objection, 6 abstentions**

The motion was not carried.

In debating the substantive motion, Members made the following points:

- the 2010 election, which resulted in the coalition government, was a good demonstration of why the first-past-the-post system didn't work for everyone. It should also be noted that France actually uses two-stage voting which knocks out the candidates with the least votes, and is not the best system. Proportional representation best reflects the results in the vote;
- the general election was a good place to start in the push towards PR, though it would also be welcome in local elections, resulting in broader representation across the council and encouraging more people to vote. This is a long-held Liberal Democrat goal;
- knocking on doors, it is clear that people are more likely to vote if they can feel confident that their votes will count;
- it is clear that the system needs to change, as demonstrated by the results of the 2019 general election. People don't vote because they cannot see the point – in areas with a majority of a particular age or income bracket, many people will not bother voting as they feel their voices will not be heard;
- we need a voting system which gives everyone a fair vote that counts, that encourages people to vote, and means that we get the government we want and deserve rather than one which the system imposes on us.

In summing up, Councillor Baker thanked Members for their support. He said a fairer voting system may not be top priority at the moment, but it is fundamental that we have a government that reflects the wishes of the people, and it is really important to bring the UK up to speed with other European countries. He reiterated that this was a national campaign, shared by councils up and down the country in the format presented today, and therefore not appropriate for it to be amended.

The Mayor then moved to the vote, where Members voted as follows:

**31 in support**

**4 against**

**0 abstentions**

**MOTION CARRIED**

**12. NOTICES OF MOTION (B)**  
**Motion B**

**Proposed by Councillor Joy; seconded by Councillor Flynn**

**Council notes that:**

- **Severn Wye Energy Agency estimates around 14,000 Cheltenham households could experience fuel poverty this year.**
- **Cold homes and fuel poverty contribute to the phenomenon of excess winter deaths. England saw an estimated 63,000 excess winter deaths in 2020-21, 10% of which have been directly attributed to fuel poverty. (Institute of Health Equity).**
- **CBC is working with organisations including Vision 21, Severn Wye Energy Agency, Planet Cheltenham and Cheltenham Zero to alleviate fuel poverty, but acknowledges that the work currently planned will not be enough to prevent serious hardship and exacerbate health inequalities, especially in the immediate future.**
- **According to FOfE, 57% of homes in Cheltenham are rated EPC D to G, and as such are not sufficiently energy-efficient. Around 9,300 homes across Cheltenham would benefit significantly from free loft insulation, and around 9,800 would benefit from free cavity wall insulation. The government recommends that all homes be EPC C or above by 2035. To achieve that target, at least 3,621 homes need to be insulated per year to avoid unnecessary cold and financial hardship.**
- **A great deal of housing stock is heritage and privately-rented, with property managers failing to upgrade them to prevent damp, mould, heat loss and electrical faults.**
- **This Council declared a ‘Cost of Living Emergency’ in July 2022, and following from the declaration of a ‘Climate Emergency’ in 2019, must aim to end fuel poverty in the area by 2030, in a way that also reduces domestic energy use and helps meet climate commitments.**

**This Council resolves to:**

- 1. Enforce existing regulations on energy efficiency and property standards, particularly in the private rented sector.**
- 2. Aim to maximise the incomes of low-income households through the efficient delivery of Council-administered benefits, a sensitive approach to debt recovery and the provision of accessible advice and support through a wide range of channels.**
- 3. Create support systems for private renters to ensure their housing rights are being fulfilled.**
- 4. Publish a statement of intent and set locally appropriate eligibility criteria to access Energy Company Obligation funding via the Local Authority Flexibility arrangements.**
- 5. Take immediate-impact measures to assess and improve the energy efficiency of Cheltenham Borough Homes housing stock.**

**Further, Council requests that officers:**

- **Report on progress made on ending fuel poverty to the Overview and Scrutiny committee every six months.**
- **Sign Cheltenham Borough Council up to the End Fuel Poverty Coalition.**

**Council also requests that the Leader of the Council writes to the HM Treasury asking for funding to upgrade homes.**

In proposing the motion, Cllr. Joy suggested that it could tie in with the Heating and Energy Policy agreed earlier in the meeting. She was conscious that Council would not meet again until December, and felt obligated to ensure that this important topic was brought to Members' attention. They had a real opportunity to investigate fuel poverty and make a difference for the many households across Cheltenham suffering from it.

She highlighted a number of key issues that contributed to fuel poverty, in addition to the current geopolitical instability. Many energy users were unaware they could switch suppliers and those who did had difficulty doing so, while HMO residents were not in a position to retrofit their living spaces. Elderly residents in particular were less likely to have a bank account or trust Direct Debit, which energy suppliers tended to prefer. It was clear that residents with complex needs were struggling, with the Joseph Rowntree Foundation finding that 30% of disabled people lived in fuel poverty – a figure they expected to substantially rise in the coming months.

While the council's Heating and Energy Policy was a proactive step, extra elements and more urgent action were needed in order to help prevent the 7,000 deaths directly attributed to fuel poverty each year. In the last month, there had been a house fire in her ward caused by someone burning candles for heat, and she was not convinced that landlords were following proper fire safety standards.

She noted that point 3 of her motion (to create support systems for private renters to ensure their housing rights were being fulfilled) was something the council was already empowered to do, following its implementation of a rent repayment order in 2018. The other steps she suggested were practical and actionable, such as signing up to the End Fuel Poverty Coalition, which would cost only £250 a year and form a key part of a comprehensive support network. She added that it was essential to support hardworking and often underfunded organisations across the town. In summary, she asked Council to consider the suggestions made and use all the tools in its arsenal to deal with the situation before it became even more desperate and extreme.

**Amendment to Motion B**

**Proposed by Councillor Jeffries; seconded by Councillor Lewis**

**Council notes that:**

- **Severn Wye Energy Agency estimates around 14,000 Cheltenham households could experience fuel poverty this year.**
- **Cold homes and fuel poverty contribute to the phenomenon of excess winter deaths. England saw an estimated 63,000 excess winter deaths in 2020-21, 10% of which have been directly attributed to fuel poverty. (Institute of Health Equity).**
- **CBC is working with organisations including Vision 21, Severn Wye Energy Agency, Planet Cheltenham and Cheltenham Zero to alleviate fuel poverty, but acknowledges that the work currently planned will not be enough to prevent serious hardship and exacerbate health inequalities, especially in the immediate future.**
- **According to FOfE, 57% of homes in Cheltenham are rated EPC D to G, and as such are not sufficiently energy-efficient. Around 9,300 homes across Cheltenham would benefit significantly from free loft insulation, and around 9,800 would benefit from free cavity wall insulation. The government recommends that all homes be EPC C or above by 2035. To achieve that target, at least 3,621 homes need to be insulated per year to avoid unnecessary cold and financial hardship.**
- **A great deal of housing stock is heritage and privately rented, with property managers failing to upgrade them to prevent damp, mould, heat loss and electrical faults.**
- **This Council declared a ‘Cost of Living Emergency’ in July 2022, and following from the declaration of a ‘Climate Emergency’ in 2019, must aim to end fuel poverty in the area by 2030, in a way that also reduces domestic energy use and helps meet climate commitments.**

**Council recognises the hard work and dedication of its Councillors, officers, and partner organisations in their ongoing work to tackle poverty of all kinds across Cheltenham.**

**This work includes, but is not limited to:**

- **The Warm & Well Scheme in partnership with Severn Wye, which provides access to advice and grants to tackle fuel poverty**
- **The Award Winning No Child Left Behind scheme, which is supporting the #FeedCheltenham and #WarmCheltenham schemes.**
- **Cheltenham Borough Council’s recent foodbank grants**
- **Cheltenham Borough Council’s super-fast rollout of recent support grants from the Government.**
- **CBH’s tenant support packages, which cover housing rights, benefits access, and debt advice.**
- **CBH’s focus on improving the energy efficiency of poorer performing homes.**
- **Investment in improving energy efficiency in council homes via the Decarbonisation Fund**
- **Homelessness prevention work via the Housing Options Service**

- **Partnership working with Citizens Advice providing housing rights advice, which includes private renters**
- **The Private Sector Housing team inspecting and raising housing standards in homes across Cheltenham**
- **The Council tax support scheme that provides maximum support to our most vulnerable residents.**

**In acknowledging this work, Council remains ever dedicated to finding new ways to help the people of Cheltenham at this time of crisis. A crisis created, first and foremost, by the negligence of this Westminster Government.**

**As such, Council resolves that the O&S Committee be requested to review the issues raised in relation to fuel poverty, alongside its ongoing work reviewing our support for deprived areas and prepare a report on potential next steps for Cabinet's consideration. This report should be considered within the bounds of our budgetary position and the powers this authority and our partners hold.**

In proposing an amendment to the motion, Cllr. Jeffries noted the debilitating effects of all types of poverty on physical and mental health. The true measure of any society was found in how it treated its most vulnerable members, and some 14.5 million people were living in poverty in the UK – more than one in five. Of these, 8.1 million were working-age adults, 4.3 million were children and 2.1 million were pensioners. The Resolution Foundation predicted that 1.3 million more people would be plunged into absolute poverty by 2023, including 500,000 children. The NEA estimated that 6.5 million households were in fuel poverty in the UK, and this was expected to grow by another 2 million. There would be deaths this winter as a result of the fuel crisis.

He asked who could make the biggest impact in changing the lives of those in the figures he had just cited, and suggested that central government was not acting in the interests of its most vulnerable citizens. Poverty had risen as a result of austerity, before the government had to be shamed by a famous footballer into feeding hungry children during the pandemic. Recent political chaos and the change of Prime Minister had done nothing to improve the situation for vulnerable people or alleviate poverty.

In contrast to this, the council continued to expand the measures it put in place to support the most vulnerable residents – both in terms of its statutory functions and in partnership with a wide range of organisations. One of these measures which was not mentioned in the amendment was the 'Donate the Rebate' campaign, which sought to encourage those who did not need their £400 energy rebate from the government to donate it to those who did. The amendment requested that O&S review the issues raised, and he was sure the committee would take a measured view.

In seconding the amendment, Cllr. Lewis emphasised the vital work undergone by the council and its partners and officers, which was both the backbone of the town and the justification for the council's existence. In addition to the measures outlined in the amendment, she assured the proposer of the original motion that they were working to protect families in HMOs, those who had not received a



rebate and those who could not change their energy suppliers. The work the council did was impressive given its limited remit and resources, and they were constrained above all else by the outrageous mismanagement of local government finances by central government. She thanked those working round the clock in Cheltenham to support the most vulnerable, and looked forward to seeing what O&S produced as a result of this request.

The Mayor moved into the debate, where Members made the following points:

- it was important to find out exactly what the council's powers were here, so it would have been useful to refer the original motion to O&S to find this out;
- the council had a very sound reputation for the administration of both council tax and benefits, but the next few months would be difficult for everyone, and it was an issue far wider than just Cheltenham or the UK;
- the council was already doing most of what was requested in the original motion, and going above and beyond in many ways;
- the original motion was timely but could have left someone with the impression that not much was happening, especially with regard to the private rented sector;
- council officers were working hard to hold private landlords to account and prosecute those who broke the law;
- Cllr. Joy's concerns about fire safety as a consequence of the fuel crisis were quite right. Residents were using candles and burning wood to provide heat and light, with significant health risks clearly involved, as well as increased risk for firefighters;
- close collaboration with county council colleagues would be necessary, especially on the question of fire safety;
- public information campaigns on topics like fire safety needed to reach all properties, not just those directly overseen by the council or CBH;
- the council was committed to delivering sustainable and energy efficient social housing across the town, with a particular focus on upgrading windows and doors;
- the council had previously applied to the Public Sector Decarbonisation Fund and was in the process of bidding for Phase 2;
- urgent action was needed with winter approaching and residents in a dire situation. It was essential that the issue was not kicked into the long grass, and an O&S response could take some time.

There being no further comments, the Mayor moved to the vote on the amendment, which was carried.

The Mayor then moved to the vote on the amended motion, which was carried.

### **13. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION**

There was none.

Sandra Holliday  
**Chairman**

## Cheltenham Borough Council

**Cabinet – 6 December 2022**

**Council - 12 December 2022**

### **Treasury Mid-term Report – position at 30 September 2022**

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**Accountable member:**

**Cllr Peter Jeffries – Cabinet Member for Finance and Assets**

**Accountable officer:**

Gemma Bell - Director of Finance and Assets (Deputy Section 151 Officer)

**Accountable scrutiny committee:**

Treasury Management Panel

**Ward(s) affected:**

All

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**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 outturn position for treasury activities for the first six months of this financial year and highlights compliance with the Council's policies previously approved by members in March 2022. The Treasury Management Strategy for 2022/23 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.

**Recommendation:**

## 1. To note the contents of this summary report of the treasury management activity during the first six months of 2022/23.

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### Background

- 1.1. On 21 March 2022, Council approved the Authority's treasury management strategy for 2022/23. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 1.2. Chartered Institute of Public Finance (CIPFA) published its revised Treasury Management Code of Practice and Prudential Code for Capital Finance in December 2021. The key changes in the two codes are around permitted reasons to borrow, knowledge and skills, and the management of non-treasury investments. Authorities could defer introducing the revised reporting requirements within the revised Codes until the 2023/24 financial year if they wish which this council has elected to do.

## 2. Economic Background

- 2.1. The economic backdrop during the April to September period continued to be characterised by high oil, gas and commodity prices, ongoing high inflation and its impact on consumers' cost of living, no imminent end in sight to the Russia-Ukraine hostilities and its associated impact on the supply chain, and China's zero-covid policy.
- 2.2. The ongoing conflict in Ukraine has continued to put pressure on global inflation and the economic outlook for UK and world growth remains weak. The UK political situation towards the end of the period following the 'fiscal event' increased uncertainty further.
- 2.3. Central Bank rhetoric and action remained robust. The Bank of England, Federal Reserve and the European Central Bank all pushed up interest rates over the period and committed to fighting inflation, even when the consequences were in all likelihood recessions in those regions.
- 2.4. UK inflation remained extremely high. Annual headline CPI hit 10.1% in July, the highest rate for 40 years, before falling modestly to 9.9% in August but then back up to 10.1% in September. RPI registered 12.3% in both July and August and then rose to 12.6% in September. The energy regulator, Ofgem, increased the energy price cap by 54% in April, while a further increase in the cap from October, which would have seen households with average energy consumption pay over £3,500 per annum, was dampened by the UK government stepping in to provide around £150 billion of support to limit bills to £2,500 annually until 2024.
- 2.5. The Bank of England increased the official Bank Rate to 2.25% over the period. From 0.75% in March, the Monetary Policy Committee (MPC) pushed through rises of 0.25% in each of the following two MPC meetings, before hiking by 0.50% in August and again in September 2022. The Committee noted that domestic inflationary pressures are expected to remain strong and so given ongoing strong expression around tackling inflation further Bank Rate rises should be expected. At the time of

writing this report the Bank Rate has now increased to 3% in November.

2.6. On 23rd September the UK government, following a change of leadership, announced a raft of measures in a 'mini budget', loosening fiscal policy with a view to boosting the UK's trend growth rate to 2.5%. With little detail on how government borrowing would be returned to a sustainable path, financial markets reacted negatively. Gilt yields rose dramatically by between 0.7% - 1% for all maturities with the rise most pronounced for shorter dated gilts. The swift rise in gilt yields left pension funds vulnerable, as it led to margin calls on their interest rate swaps and risked triggering large scale redemptions of assets across their portfolios to meet these demands. It became necessary for the Bank of England to intervene to preserve market stability through the purchase of long-dated gilts, albeit as a temporary measure, which has had the desired effect with 50-year gilt yields falling over 100bps in a single day.

### 3. Credit review

3.1. Having completed its full review of its credit advice on unsecured deposits at UK and non-UK banks, in May Arlingclose extended the maximum duration limit for five UK banks, four Canadian banks and four German banks to six months. The maximum duration for unsecured deposits with other UK and non-UK banks on Arlingclose's recommended list is 100 days. These recommendations were unchanged at the end of the period.

3.2. Arlingclose continued to monitor and assess credit default swap levels for signs of credit stress but made no changes to the counterparty list or recommended durations. Nevertheless, increased market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

### 4. Treasury Management Summary position as at 31<sup>st</sup> March 2022

4.1. On 31st March 2022, the Authority had net borrowing of £152.751m 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.

4.2.

Table 1: Balance Sheet Summary

	<b>31.3.22 Actual £m</b>
General Fund CFR	115.287
HRA CFR	66.715
<b>Total CFR</b>	<b>182.002</b>
External borrowing	175.686
<b>Less : Internal borrowing</b>	<b>6.316</b>
Less: Usable reserves	20.957
Less: Working capital	1.978

<b>Net borrowing</b>	<b>152.751</b>
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### **Borrowing**

- 4.3. 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 Authority.
- 4.4. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield and this Authority intends to avoid this activity in order to retain its access to PWLB loans.
- 4.5. As outlined in the treasury strategy, the Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective. The Authority's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.
- 4.6. Over the April-September period short term PWLB rates rose dramatically, particular in late September after the Chancellor's 'mini-budget', included unfunded tax cuts and additional borrowing to fund consumer energy price subsidies. Exceptional volatility threatened financial stability, requiring Bank of England intervention in the gilt market. Over a twenty-four-hour period some PWLB rates increased to 6%, before the intervention had the desired effect, bringing rates back down by over 1% for certain maturities. A truly wild and unprecedented period in fixed income markets, with a direct impact on PWLB rates.
- 4.7. Interest rates rose by over 2% during the period in both the long and short term. As an indication the 5-year maturity certainty rate rose from 2.30% on 1st April to 5.09% on 30th September; over the same period the 30-year maturity certainty rate rose from 2.63% to 4.68%.

**Table 2: Treasury Management Summary**

	<b>31.3.22 Balance £m</b>	<b>Movement £m</b>	<b>30.9.22 Balance £m</b>	<b>30.9.22 Rate %</b>
Long-term borrowing	119.686	(1.111)	118.575	3.17
Short-term borrowing	56.000	(10.500)	45.500	1.93
<b>Total borrowing</b>	<b>175.686</b>	<b>(11.611)</b>	<b>164.075</b>	<b>2.83</b>
Long-term investments	11.590	3.011	14.601	3.85
Short-term investments	0.925	0.225	1.150	4.25

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Cash and cash equivalents	10.420	(9.405)	1.015	1.75
<b>Total investments</b>	<b>22.935</b>	<b>(6.169)</b>	<b>16.766</b>	<b>3.72</b>
<b>Net borrowing</b>	<b>152.751</b>	<b>(5.442)</b>	<b>147.309</b>	

4.7. The balance as can be seen in Table 2 shows a reduced figure of £147.309m as at 30th September 2022 compared with the balance held at 1<sup>st</sup> April 2022. The weighted average interest rate on these loans is 2.83% up from 2.20% in March 2022. Borrowing costs are expected to be £439k higher than forecasted in November 2021, however the budget will be re-aligned to the new forecast for 2022/23.

4.8. Current temporary borrowing of £45.5m has been used over several years to fund capital expenditure as an alternative to taking out longer term borrowing which was much more expensive at the time, however due to the acceleration of interest rates since December 2021, a review will be undertaken to see if this is the best method of funding going forward. The authority will liaise with Arlingclose first before any changes in strategy are required.

4.9. The outstanding loans on 30th September 2022 are summarised in Table 3 below.

Table 3: Borrowing Position

	<b>31.3.22 Balance £m</b>	<b>2022/23 Movement £m</b>	<b>30.9.22 Balance £m</b>	<b>30.9.22 Rate %</b>
Public Works Loan Board	103.786	(1.111)	102.675	3.04
Banks (LOBO)	7.000	0	7.000	4.45
Banks (fixed-term)	8.900	0	8.900	3.82
Local authorities (short-term)	56.000	(10.500)	45.500	1.93
<b>Total borrowing</b>	<b>175.686</b>	<b>(11.611)</b>	<b>164.075</b>	<b>2.83</b>

4.10. LOBO loans: The Authority continues to hold £7m 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 Authority has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during the first 6 months of this financial year.

## 5. Investments

5.1. The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the six month period

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the council's investment balance ranged between £14m and £32.5m due to timing differences between income and expenditure. The Authority also received a bulk income payment in late March 2022 of around £6.8m to distribute out the Energy Rebates to every household entitled to the £150 refund. This was successfully completed by the end of September. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	<b>31.3.22 Balance £m</b>	<b>Net Movement £m</b>	<b>30.9.22 Balance £m</b>	<b>30.9.22 Rate of Return %</b>
Money Market Funds/ Call Accounts	10.420	(9.405)	1.015	1.76
Pooled Funds	7.000	-	7.000	4.90
Other investments	5.478	3.225	8.703	3.29
<b>Total Investments</b>	<b>22.898</b>	<b>(6.180)</b>	<b>16.718</b>	<b>2.72</b>

- 5.2. Both the CIPFA Code and Government Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking 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.
- 5.3. The increases in Bank Rate over the period under review, and with the prospect of more increases to come, short-dated cash rates, which had ranged between 0.7% - 1.5% at the end of March, rose by around 1.5% for overnight/7-day maturities and by nearly 3.5% for 9-12 month maturities.
- 5.4. By the end of September, the rates on DMADF deposits ranged between 1.85% and 3.5%. The return on the Council's sterling low volatility net asset value (LVNAV) Money Market Funds ranged between 0.9% - 1.1% in early April and between 2% and 2.20% at the end of September 2022.
- 5.5. Investment income was budgeted to be £599,771 in the Council's 2022/23 budget, set in February 2022. The Council has reviewed its expectations for investment income in 2022/23 and has assumed after looking at the returns over the first 6 months that the income could exceed budget by £240,000, so the revised budget will be amended in line with the surplus expected due to the increasing interest rates and strong dividends in the first half of the year from the Pooled Funds.
- 5.6. £7m of the Authority'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 4.84% for the first 6 months of this financial year which is used to support services in



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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.

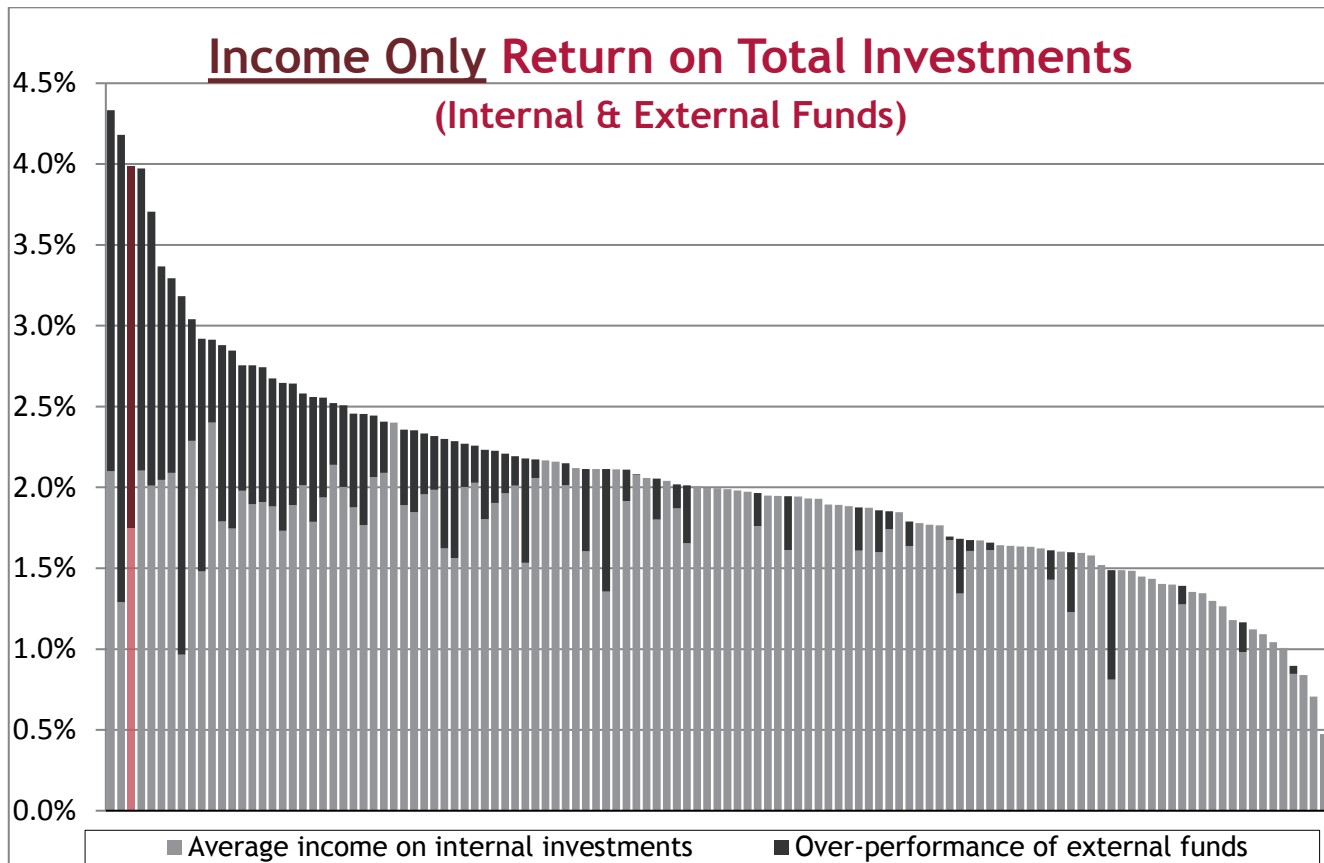
5.7. Table 5: Pooled Funds

<b>FUND NAME</b>	<b>Initial Investment</b>	<b>1 April 2022 Fund Value</b>	<b>30 Sept 2022 Fund Value</b>	<b>Dividends paid out in 2022/23 as at 30 Sept</b>	<b>Gain / (Loss) for 2022/23</b>	<b>Gain / (Loss) to Initial Principal</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
CCLA Property Fund	3,000,000	3,238,505	3,324,276	58,273	85,771	324,276
Schroders Income Maximiser Fund *	2,000,000	1,614,650	1,323,034	75,334	(291,616)	(676,966)
CCLA Diversified Income Fund	2,000,000	2,068,723	1,891,399	30,908	(177,324)	(108,601)
<b>Total</b>	<b>7,000,000</b>	<b>6,921,878</b>	<b>6,538,709</b>	<b>164,515</b>	<b>(383,169)</b>	<b>(461,291)</b>

\* The Schroders Income Maximiser Fund has purchased shares within the oil and gas industry, which accounts 8.65% of the total amount invested in the fund (14% Sept 2021). This equates to £173,000 of the original £2m invested into the fund by this council. The dividend returns are currently returning over 7%. 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.

5.8. Total interest earned in the first 6 months of this financial year can be compared with all 121 clients of Arlingclose in table 6 below which see Cheltenham near the top of the table.

Table 6: Income returned for 2022/23.



**Economic Outlook for the rest of 2022/2023**

5.8. Table 7: Interest rate forecast

	Curr ent	Dec 22	Mar 23	Jun 23	Sep 23	Dec 23	Mar 24	Jun 24	Sep 24	Dec 24	Mar 25	Jun 25	Sep 25
Official Bank Rate													
Upside Risk	0.00	0.25	0.50	0.75	1.00	1.00	1.00	1.25	1.50	1.75	1.50	1.25	1.25
Arlingclose Central Case	3.00	3.50	4.00	4.25	4.25	4.25	4.25	4.00	3.75	3.50	3.50	3.50	3.50
Downside Risk	0.00	0.25	0.50	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00

5.9. Arlingclose now expects Bank Rate to peak at 4.25% next year as seen in table 7 above. The MPC is particularly concerned about the implications of fiscal loosening, the tight labour market, sterling weakness and the willingness of firms to raise prices and wages.

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- 5.10. The threat of inflation remaining much higher and stickier than expected continues to be central banks' validation for doubling down on policy rate hikes in increments almost unthinkable a year ago, despite sagging consumer confidence, indicators pointing to slowing growth and numerous geopolitical factors at play.
- 5.11. The Bank of England's quarterly Monetary Policy Report with revised inflation and growth forecasts was released on Thursday 3rd November. A further rise in domestic inflationary pressures and a tight labour market will compel the Monetary Policy Committee to increase policy rates by 0.75% at the culmination of its meeting on Thursday, even though indicators point to the economy contracting and heading for a recession.
- 5.12. UK government policy has mitigated some of the expected rise in energy inflation for households and businesses flattening the peak for CPI, whilst extending the duration of elevated CPI. Continued currency weakness could add inflationary pressure.

## 6. Compliance

- 6.1. The Chief Finance Officer reports that all treasury management activities undertaken during the first six months of 2022/23 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.

Table 8: Debt Limits

	30.9.22 Actual £m	2022/23 Operational Boundary £m	2022/23 Authorised Limit £m	Complied? Yes/No
<b>Total debt</b>	<b>164.075</b>	<b>264.00</b>	<b>274.00</b>	Yes

Council approved in March 2022 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.

### Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

**Security:** The Authority 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.

	<b>30.9.22 Actual</b>	<b>2022/23 Target</b>	<b>Complied?</b>
Portfolio average credit rating	A+	A-	Yes

**Maturity Structure of Borrowing:** This indicator is set to control the Authority'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:

	<b>30.9.22 Actual</b>	<b>Upper Limit</b>	<b>Lower Limit</b>	<b>Complied?</b>
Under 12 months	0.28%	50%	0%	YES
12 months and within 24 months	30.79%	50%	0%	YES
24 months and within 5 years	1.73%	100%	0%	YES
5 years and within 10 years	11.91%	100%	0%	YES
10 years and above	55.29%	100%	0%	YES

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.

## 7. Consultation

7.1. Arlingclose the Council's treasury advisors have supported officers in preparing the treasury activities over the first 6 months of this financial year.

## 8. Implications

### 8.1. Financial implications

As detailed throughout this report.

**Signed off by:** Gemma Bell, Director of Finance and Assets (Deputy s151 Officer),  
01242 264124

### 8.2. Legal implications

None arising from the report recommendations.

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

### 8.3. HR implications

As detailed in the report.

**Signed off by:** Julie McCarthy, HR Manager, julie.mccarthy@publicagroup.uk

### 8.4. 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 in Section 5.7 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:** Laura Tapping, Climate Emergency Programme Officer, 01242 264263

### 8.5. Property/asset implications

None specific directly arising from the recommendations.

**Signed off by:** Gemma Bell, Director of Finance and Assets, 01242 264124

### 8.6. Corporate policy framework implications

Taking action to ensure overspends are reduced as far as possible by the end of the financial year will help ensure that the council can continue to deliver its corporate objectives as set out in the 2019-2023 Corporate Plan.

**Signed off by:** Richard Gibson, Head of Communities, Wellbeing and Partnerships, 01242 264280

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## 9. Performance management – monitoring and review

- 9.1. 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 2023/24 draft budget proposal.

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### Report author:

Andrew Sherbourne, Capital and 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
	LOBO Loans - If £7m of these loans is recalled by the banks if they choose to exercise their option then we would need to have the resources on the day to repay. Alternative borrowing arrangements at today's current rates would be favourable for the Council	Gemma Bell, Director of Finance and Assets	1	2	2	Accept and Monitor	If the loans are recalled the council could take out temporary borrowing/ new long term borrowing through the PWLB or sale of units held in Pooled Funds. Any capital receipts available could also be used to repay debt.	Gemma Bell, Director of Finance and Assets	Ongoing
	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	ED Finance and Assets	3	2	6	Accept and Monitor	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various	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
	received.						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		
	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

### Council – 12<sup>th</sup> December 2022

## Local Council Tax Support Scheme for 2023/24

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#### **Accountable member:**

Councillor Peter Jeffries, Cabinet Member Finance, Assets and Regeneration

#### **Accountable officer:**

Jayne Gilpin, Head of Revenues and Benefits

#### **Accountable scrutiny committee:**

n/a

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

All

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#### **Key/Significant Decision:**

Yes

#### **Executive summary:**

Each year the council is required to consider and approve its Local Council Tax Support Scheme for working age customers. Consultation has been undertaken in respect of the proposed Scheme for 2023/24. Council is being asked to approve the scheme proposed in this report as the Council's scheme for 2023/24.

#### **Recommendations:**

- 1. Approve the Local Council Tax Support Scheme 2023/24 for working age customers in Appendix 4 and summarised in Appendix 5;**
  - 2. Gives authority to the Executive Director for Finance Assets and Regeneration in consultation with the Cabinet Member Finance and Assets and Regeneration to uprate any premiums, allowances and determine the income levels in line with any increase in Welfare Benefits by 20 February 2023.**
-

## 1. Implications

### 1.1. Financial implications

Since 2013/14 the Local Council Tax Support (LCTS) scheme operates in a similar way to discounts, such as for empty properties or single person occupiers. Rather than being accounted for as a benefit cash payment, the council tax base is reduced. Whilst this has no impact for the individual council tax payer, a lower council tax base reduces the tax yield to this Council, Gloucestershire County Council, Gloucestershire Police Authority and parish Councils. To offset this impact, the Government paid a cash grant to all local authorities which was 10% less than the funding for the previous council tax benefit scheme. This funding was rolled in to revenue support grant from 2014/15 and has therefore been subject to further cuts.

From 2018/19 this council no longer receives a revenue support grant and must fund its share of the cost of the scheme. Moving to the scheme based on income bands reduced the cost of the scheme by over £0.5m in 2019/20. As detailed in the report the caseload and cost of the working age council tax support scheme increased significantly due to the Coronavirus pandemic. Although the caseload has been steadily reducing it is still above pre-pandemic levels and is likely to remain so during 2023/24.

The proposal to continue with the scheme in 2023/24 and confirm the income levels once the increase in welfare benefits is known will ensure that the same level of support is provided to our most vulnerable residents

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

### 1.2. Legal implications

The Local Council Tax Support Scheme “LCTS” is required under section 13A of the Local Government Finance Act 1992 (“the Act”). The Act states that for each financial year, billing authorities must consider whether to revise their LCTS scheme or replace it with another scheme.

The prescribed regulations set out the matters that must be included in such a scheme. Before making any changes, the local authority must, in the following order:-

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

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

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

### 1.3. HR implications

There are no HR implications arising from the content of the report

**Signed off by:** Kate Wilkins, HR Business Partner, [kate.wilkins@publicagroup.uk](mailto:kate.wilkins@publicagroup.uk)

### **Environmental and climate change implications**

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

**Signed off by:** Laura Tapping officer, Climate Emergency Programme Officer,  
[laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

### **1.4. Property/asset implications**

There are no property implications arising from the content of the report or recommendations

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

### **1.5. Corporate policy framework implications**

Proposals in this report ensure that we provide council tax support to our residents on the lowest incomes and in particular protect the most vulnerable families by providing 100% support.

**Signed off by:** Richard Gibson, Head of communities, wellbeing and partnerships  
[richard.gibson@cheltenham.gov.uk](mailto:richard.gibson@cheltenham.gov.uk)

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## **2. Promoting equality and reducing discrimination**

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

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

The proposed scheme will be monitored closely by officers and will be reviewed before developing the scheme for 2024/25

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## **4. Background**

- 4.1. 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.
- 4.2. The Council is also required to administer but cannot alter the national council tax support scheme for pension age customers.
- 4.3. The local council tax support scheme works in a similar way to other council tax discounts, the tax base and therefore the income from council tax, is reduced meaning the cost is met by this

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council, Gloucestershire County Council, Gloucestershire Police Authority and the parish councils in proportion to the share of the council tax.

- 4.4. The local council tax support scheme for working age people from 2013/14 to 2018/19 in Cheltenham continued to mirror the previous council tax benefit scheme whilst the majority of Councils reduced support and no longer offer 100% reduction.
- 4.5. In 2019/20 a council tax support scheme based on five income bands was introduced in with the highest band providing support at 100% of the council tax liability. Support then reduces to 80%, 60%, 40% and 20% as household income increases.
- 4.6. The scheme ensures that 100% support continues to be available for the most vulnerable residents.

### **5. Local Council Tax Support Scheme Caseload**

- 5.1. The number of working age council tax support recipients and the amount awarded increased significantly during 2020/21 due to the impact of the Coronavirus pandemic.
- 5.2. On 1st March 2020 the number of working age recipients was 3,984 and the amount awarded was £3.3 million. This increased to 4,988 recipients and nearly £4.7 million being awarded in April 2021. An increase of over 25%.
- 5.3. The caseload has been steadily reducing over the past year but is still higher than pre-pandemic levels and is expected to remain so during 2023/24.
- 5.4. In October 2022 £4.2 million was being awarded to 4,463 working age recipients. More than 3,000, which is 70%, are receiving the maximum 100% support due to being on the lowest incomes.

### **6. Local Council Tax Support Scheme 2023/24**

- 6.1. The proposed scheme, as summarised in appendix 4, continues to be based on five income bands with the highest band providing support at 100% of the council tax liability, reducing to 20% as household income increases.
- 6.2. The income levels for each band are increased each year to keep in line with increases in welfare benefits. This ensures that we continue to provide the same level of support to low income households.
- 6.3. At this stage it is uncertain by how much welfare benefits will increase next year. Authority is being sought from for the Executive Director for Finance, Assets and Regeneration in consultation with the Cabinet Member Finance and Assets, to apply the appropriate increase to the income bands once the rise in welfare benefits has been confirmed.
- 6.4. This will ensure that the most vulnerable individuals and families continue to receive the highest level of support.
- 6.5. No other changes are being proposed to the scheme conditions for 2023/24.
- 6.6. A discretionary hardship relief scheme is in place which can support customers with exceptional circumstances and/or financial hardship

## 7. Reasons for recommendations

7.1. The Council is required to approve a Local Council Tax Support Scheme for working age people.

## 8. Alternative options considered

8.1. None.

## 9. Consultation and feedback

9.1. A consultation exercise was undertaken between 13 September and 24 October 2023 seeking views on whether the Council should continue to ensure that the most vulnerable residents receive 100% support.

9.2. The consultation attracted 25 responses. Of the 25 respondents, 17 (68%) either agreed or strongly agreed that 100% support should continue, 1 (4%) were neutral and 7 (28%) either disagreed or strongly disagreed to continue with 100% support.

9.3. Detail of the consultation results are in Appendix 3

## 10. Key risks

10.1. The risks are in Appendix 1

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### Report author:

Jayne Gilpin, Head of Revenues and Benefits, Jayne.gilpin@cheltenham.gov.uk

### Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Consultation analysis and responses
- iv. Summary of draft scheme
- v. Draft scheme conditions for 2022/23

### Background information:

1. The Local Government Finance Act 1992, amended by the Local Government Finance Act 2012 <http://www.legislation.gov.uk/ukpga/2012/17/contents>
2. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/2885/contents/made>
3. The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 [http://www.legislation.gov.uk/uksi/2017/1305/pdfs/uksi\\_20171305\\_en.pdf](http://www.legislation.gov.uk/uksi/2017/1305/pdfs/uksi_20171305_en.pdf)

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the caseload increases significantly the cost to the council, in the form reduced council tax income, will increase	Jayne Gilpin	2	3	6	Accept	Monthly monitoring and an annual review of the scheme	Jayne Gilpin	ongoing
	If the income bands are not increased in line with welfare benefits support for vulnerable households could reduce. This would cause reputational damage to the Council	Jayne Gilpin	1	1	2	Avoid	Uprate in line with increase in welfare benefits once known	Jayne Gilpin	20/02/2023

# Community impact assessments – for services, policies and projects

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

    Background ..... 1

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

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

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

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

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

## What is a community impact assessment?

A community impact assessment is an important part of our commitment to delivering better services for our communities. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our communities, as well as employees and potential employees

By undertaking an impact assessment, we are able to:

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

## Background

<b>Name of service / policy / project and date</b>	<b>Revenues and Benefits. Council Tax Support Policy from 1 April 2023.</b>
<b>Lead officer</b>	<b>Jayne Gilpin, Head of Revenues and Benefits</b>

Other people involved in completing this form

David Wyatt, Deputy Revenues and Benefits Manager

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

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

Council tax support is provided to around 6,600 households in Cheltenham at an annual cost of just under £6.9m. This includes working and pension age claimants. Approximately 68% of these households are of working age. The cost of the council tax support scheme is met by this council and the precepting authorities who are the county council and the police. The share of the cost is the same as the share of the council tax.

Prior to April 2013, council tax payers on a low income could apply for council tax benefit to help pay their Council Tax. Under this national scheme and in accordance with the regulations, council tax payers could receive benefit of up to 100% of their council tax liability. The Council then received full funding from the government for all council tax benefit awards made.

From April 2013, Councils became responsible for designing their own local council tax support (CTS) schemes for working age people only. The Government also reduced the funding given to Councils to pay for the scheme. Cheltenham Borough Council introduced its local council tax support scheme in April 2013 which more or less replicated the council tax benefit scheme. Council tax support for pensioners was not localised and continues to be provided for by a national scheme.

Each year the Council has to decide whether to make changes to the administration of its council tax support scheme for working age applicants in the borough.

From 1 April 2019, Cheltenham Borough Council introduced a revised local council tax support scheme which increased the contribution that some people receiving help must make towards their council tax bills. From 1 April 2020, further changes were made to the scheme to provide further support to those people who receive a limited work capability payment in their Universal Credit. The Council is now in the position of considering a local council tax support scheme with effect from 1 April 2023.

This year we have consulted on a proposed scheme from 1 April 2023. The aim of the service is to retain the existing council tax support scheme from 1 April 2023 and keep the current income bands in place to ensure that the most vulnerable customers still receive 100% support.



<p><b>Who are the primary customers of the service / policy / project and how do they / will they benefit</b></p>	<p>It is important to note that any proposed council tax support scheme will not affect pensioners. These people are protected and their council tax support will continue to be awarded on the basis of the scheme prescribed by Central Government.</p> <p>The scheme will apply to working age people only who currently receive council tax support or apply in the future for help to have their council tax discounted. The scheme will apply without exception from 1 April 2023.</p> <p>The working age customers who continue to require support or who claim council tax support in the future will provide evidence of their income and capital and the people living in their household. The level of income a person is determined to have will be derived from detailed scheme rules. Once the level of income has been derived, the band in which this income level falls will decide what level of support can be provided. There will be five income bands and the support provided will be either 20%, 40%, 60%, 80% or 100% of the charge.</p> <p>The amount of council support awarded is paid direct to the council tax account as a discount and the person then pays the reduced amount by instalments.</p>
<p><b>How and where is the service / policy / project implemented</b></p>	<p>The Revenues and Benefits service, based at the Municipal Offices provides the service to customers and the revised council tax support scheme will be implemented from there.</p>
<p><b>What potential barriers might already exist to achieving these outcomes</b></p>	<p>A draft council tax support scheme must be written, taking into account views from the public consultation, the views of the Cabinet Member for Finance and the financial forecasting that has been undertaken. Forecasting utilising software provided by Civica Open Revenues, has been used to model a proposed scheme, identifying those who will be affected by the scheme.</p> <p>The proposed scheme will be submitted to the November Cabinet for consideration. Subject to agreement, the scheme will be published in draft on the Council's web site and further comments invited. The final report and proposed scheme will be presented at Full Council in December 2022.</p>

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

<p><b>What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information</b></p>	<p>Every applicant making a claim for council tax support provides the following personal information:</p> <ul style="list-style-type: none"> <li>• the date of birth, sex and nationality of each person in the household</li> <li>• the income of each person in the household, including non-dependants (for example grown up children)</li> <li>• the capital of each person in the household</li> <li>• whether any person has a disability</li> <li>• whether the person is in a same sex relationship</li> </ul> <p>The information obtained from the customer is not for statistical purposes. The information is obtained only to be able to determine a council tax support entitlement. No data is held on the system relating to:</p> <ul style="list-style-type: none"> <li>• sexual orientation</li> </ul>
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	<ul style="list-style-type: none"> <li>• ethnicity and/or race</li> <li>• religion or belief</li> </ul> <p>Information may be held, subject to the customer volunteering it on the following:</p> <ul style="list-style-type: none"> <li>• pregnancy and/or maternity/paternity</li> <li>• gender reassignment</li> </ul>
<p><b>What does it tell you about who uses your service / policy and those that don't?</b></p>	<p>People are accessing the service as they do not have enough household income to pay their council tax. The reason for claiming assistance is purely financial. There are no other advantages. It tells us that those who do not claim assistance and pay their council tax from their household income do not require the same level of financial support as those that do.</p> <p>The information and data held tells us the following information:</p> <ul style="list-style-type: none"> <li>• the age of the customer and others in the household</li> <li>• the number of men and women claiming council tax support</li> <li>• the number of customers who have responsibility for a child or children</li> <li>• the number of people in the household</li> <li>• whether there are any disabilities</li> <li>• the household income</li> <li>• whether any capital is held</li> </ul>
<p><b>What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?</b></p>	<p>No adverse feedback has been provided from consultation with customers and stakeholder groups.</p> <p>The service is made widely available to ensure that all members of the community can access it. Application forms are available and can be emailed or posted to customers. The application form is also available to be downloaded on line. A visiting service is provided for those customers who are unable to visit the council offices and require assistance with form filling in their homes.</p> <p>There are various other options available in the town centre for people to take advice on claiming council tax support including advice agencies like CCP and CAB.</p> <p>Customers identified as having difficulties in paying their council tax are also invited to make claims for council tax support. This is built into the council tax recovery processes and is a preferred option to taking enforcement action.</p>
<p><b>If not, who do you have plans to consult with about the service / policy / project?</b></p>	<p>Not applicable.</p>



### Step 3 - Assessing community impact

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

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
<b>People from black and minority ethnic groups</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
<b>People who are male or female</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
<b>People who are transitioning from one gender to another</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
<b>Older people / children and young people</b>	Council tax support is awarded to any age group (over 18) if their financial position warrants help. This includes people of working age and pension age	The local council tax support scheme only applies to those customers of working age. Therefore this group of people aged 18 to 67 will be directly impacted upon	The council tax support scheme could remain unchanged but this is an unlikely option. Support will be made available to customers affected	There will be an impact on some customers due to their financial position and the household income they have
<b>People with disabilities and mental health challenges</b>	Council tax support is awarded to any age group (over 18) if their financial position warrants help. This includes people of working age and pension age. There are provisions in the scheme to ignore certain disability benefits and this will continue so that the most vulnerable of customers still receive 100% support	There may be some impact on a few customers due to their financial position and the household income they have, but the impact is being moderated by introducing enhancements to the scheme for these customers. The customers with disabilities that are affected will be those who have additional income, for example, a partner with earnings	The council tax support scheme could remain unchanged but this is an unlikely option. Support will be made available to customers affected	There will be an impact on some customers due to their financial position and the household income they have

<b>People who have a particular religion or belief</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
<b>People who are attracted to their own sex, the opposite sex or to both sexes.</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
<b>People who are married or in a Civil Partnership</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
<b>People who are pregnant or who are on maternity leave</b>	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	There will be an impact on some customers due to their financial position and the household income they have
<b>Other groups or communities</b>	No specific benefits to these groups or communities	No specific disadvantages to these groups or communities	There is no requirement to do things differently to benefit these groups	No specific impact identified

## Step 4 - what are the differences

<p><b>Are any groups affected in different ways to others as a result of the service / policy / project?</b></p>	<p>Yes. Councils became responsible for designing their own local council tax support scheme for <u>working age people only</u>. The Government also reduced the funding given to Councils to pay for the scheme. Cheltenham Borough Council introduced its local council tax support scheme in April 2013 which more or less replicated the council tax benefit scheme. <u>Council tax support for pensioners was not localised and continues to be provided for by a national scheme.</u></p> <p>As a result of this people of working age are affected by a local council tax support scheme. The Government produced its own Equality Impact Assessment in 2012 prior to the introduction of localised support being introduced. <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf</a></p> <p>In localising support for council tax, the Government believes that local schemes should provide support for the most vulnerable, including vulnerable pensioners. The Government has concluded that support for vulnerable pensioners should be delivered through a national framework of criteria and allowances. Local authorities already have clearly defined responsibilities in relation to, and awareness of, the most vulnerable groups and individuals other than pensioners in their areas. This includes, for example, through their responsibilities under:</p> <ul style="list-style-type: none"> <li>• The Child Poverty Act 2010, which imposes a duty on local authorities to have regard to and address child poverty and their partners, to reduce and mitigate the effects of child poverty in their local areas;</li> <li>• The Disabled Persons (Services, Consultation and Representation) Act 1986, and Chronically Sick and Disabled Persons Act 1970, which include a range of duties relating to the welfare needs of disabled people;</li> <li>• The Housing Act 1996, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.</li> </ul>
<p><b>Does your service / policy / project either directly or indirectly discriminate?</b></p>	<p>The council tax support scheme will directly discriminate against people of working age. However the Government's view is that by giving local authorities a significant degree of control over how a reduction in expenditure is achieved, allowing councils to balance local priorities and their own financial circumstances. Reducing the costs of support for council tax is a contribution to the Government's vital programme of deficit reduction. Giving local authorities a financial stake in the provision of support for council tax and so a greater stake in the economic future of their local area, so supporting the Government's wider agenda to enable stronger, balanced economic growth across the country. This reform creates stronger incentives for councils to get people back into work and so support the positive work incentives that are being introduced through the Government's implementation of Universal Credit.</p>
<p><b>If yes, what can be done to improve this?</b></p>	<p>The council tax support scheme forecasting has identified that protection can be given to the most vulnerable working age people in the borough. It is proposed in the draft scheme that those customers who receive "passported" benefits including Job Seeker's Allowance, Income Support and Employment and Support Allowance will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax.</p>

<p><b>Are there any other ways in which the service / project can help support priority communities in Cheltenham?</b></p>	<p>Yes. The proposed draft scheme has been designed to protect where possible and provide greater financial assistance to priority communities. The banded income scheme has been designed with the following elements to ensure that within the scheme certain priority communities face less of an impact:</p> <ul style="list-style-type: none"> <li>• child benefit and maintenance payments made in respect of children are wholly disregarded</li> <li>• a weekly disregard of up to £175 (for one child) or £300 (two children or more) will apply to customers who pay child care and who fit the qualifying conditions</li> <li>• an additional £100 weekly disregard will apply for each disabled child living in the household</li> <li>• an earnings disregard of £10 per week will apply to those customers who fit the qualifying conditions</li> <li>• Attendance Allowance, Personal Independence Payments, Disability Living Allowance, the Limited Work Capability element paid within Universal Credit and War Pensions will be wholly disregarded</li> <li>• customers who receive Job Seeker's Allowance, Income Support and Employment and Support Allowance will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax</li> </ul>
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## Step 5 – taking things forward

<p><b>What are the key actions to be carried out and how will they be resourced and monitored?</b></p>	<p>A forecasting tool is being used which has been provided by Civica, the software provider for Open Revenues. The forecasting tool allows modelling of different schemes to be carried out and developed to suit the needs of the customers and the Council. The modelling carried out enables the Council to establish any financial winners and losers and the extent of these. The number of winners needs to be mitigated to as few as possible as this has a direct impact upon the numbers of people losing from the new scheme.</p> <p>Once the modelling is complete a draft scheme will be devised which will encompass the views of the people completed the on line consultation survey and the political steer. The scheme will be presented to Cabinet in November 2021 with a recommendation that it is adopted from 1 April 2022 as the Council's preferred council tax support scheme. The draft scheme, subject to Cabinet approval will be published on line inviting further comments from the public. The final scheme will then be presented to Full Council in December 2021 seeking Council approval.</p>
<p><b>Who will play a role in the decision-making process?</b></p>	<p>The Head of Revenues and Benefits and the Deputy Revenues and Benefits Manager will devise the draft scheme to be presented to the elected Members of the Council.</p> <p>The decision to implement the new scheme and on what basis will be taken by the elected Members at the Full Council meeting scheduled for December 2022.</p>
<p><b>What are your / the project's learning and development needs?</b></p>	<p>Full training will be provided to Revenues and Benefits staff ahead of the annual billing exercise in March 2023 which will reinforce the scheme conditions.</p>
<p><b>How will you capture these actions in your service / project planning?</b></p>	<p>The proposed scheme to be introduced from 1 April 2023 is not expected to impact on service planning. However the scheme implementation forms part of the annual Council Tax and uprating of benefits exercise. This exercise</p>

	is carried out during February each year and will be overseen by the Head of Revenues and Benefits and the Deputy Revenues and Benefits Manager.	
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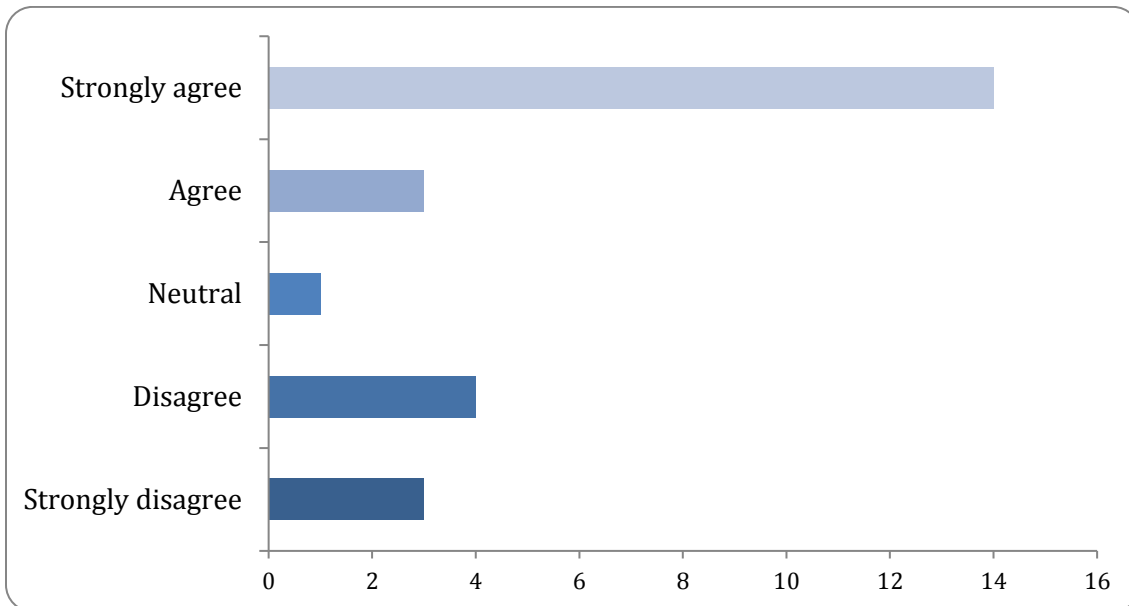


**Council tax support scheme consultation 2023-24**

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

**Question 1**

There were 25 responses to this part of the question.

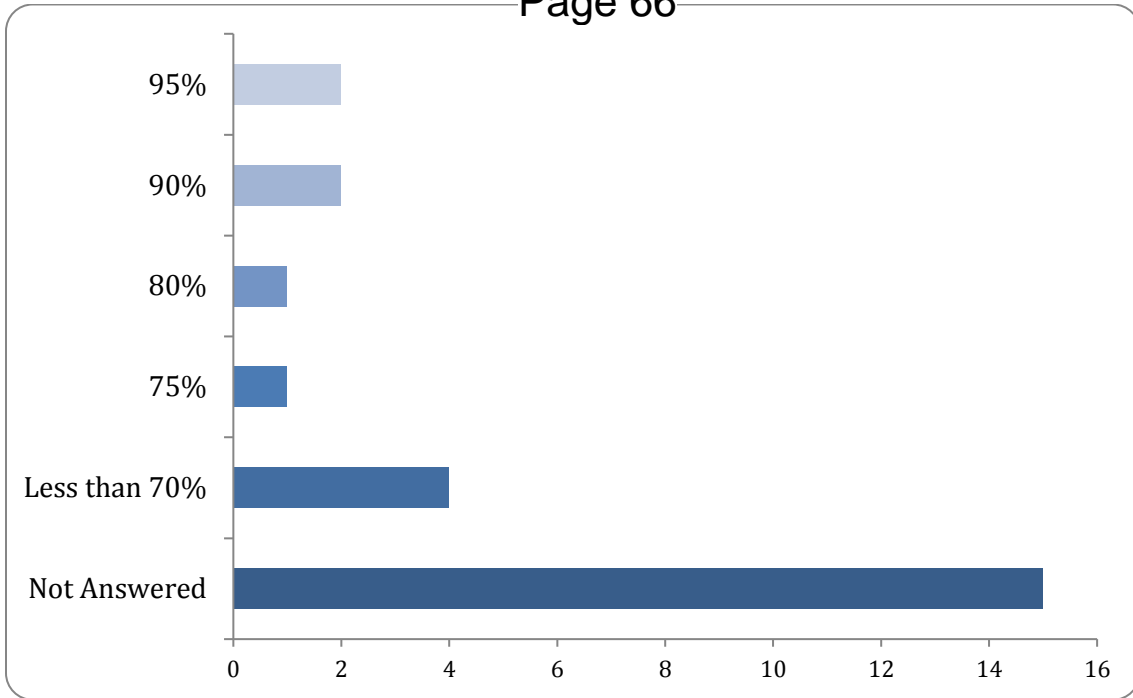


Option	Total	Percent
Strongly agree	14	56.00%
Agree	3	12.00%
Neutral	1	4.00%
Disagree	4	16.00%
Strongly disagree	3	12.00%
Not Answered	0	0.00%

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

**Question 2**

There were 10 responses to this part of the question.

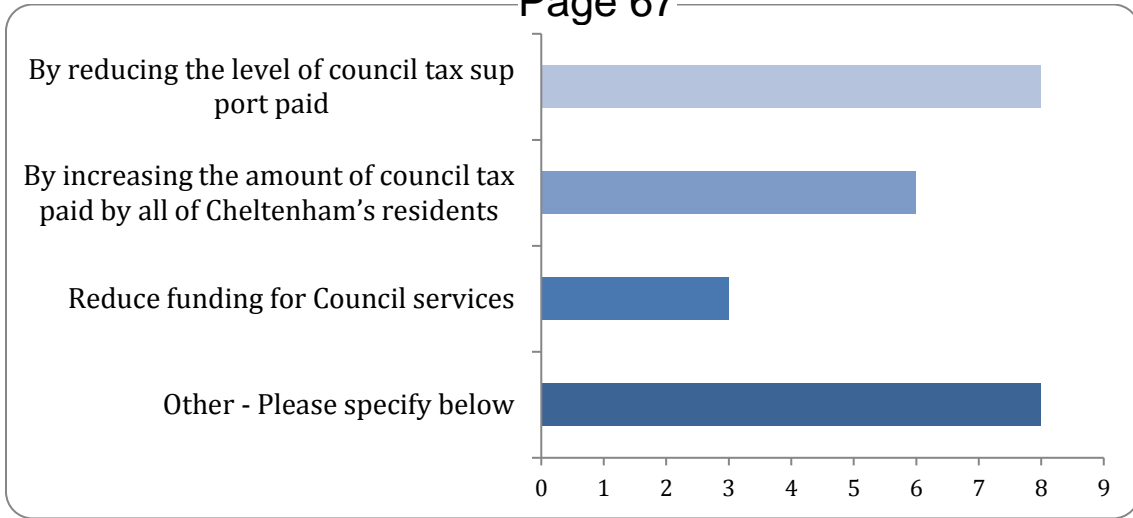


Option	Total	Percent
95%	2	8.00%
90%	2	8.00%
80%	1	4.00%
75%	1	4.00%
70%	0	0.00%
Less than 70%	4	16.00%
Not Answered	15	60.00%

### 3: How do you think the Council should continue to fund its council tax support scheme from April 2023?

#### Question 3

There were 25 responses to this part of the question.



Option	Total	Percent
By reducing the level of council tax support paid	8	32.00%
By increasing the amount of council tax paid by all of Cheltenham's residents	6	24.00%
Reduce funding for Council services	3	12.00%
Other - Please specify below	8	32.00%
Not Answered	0	0.00%

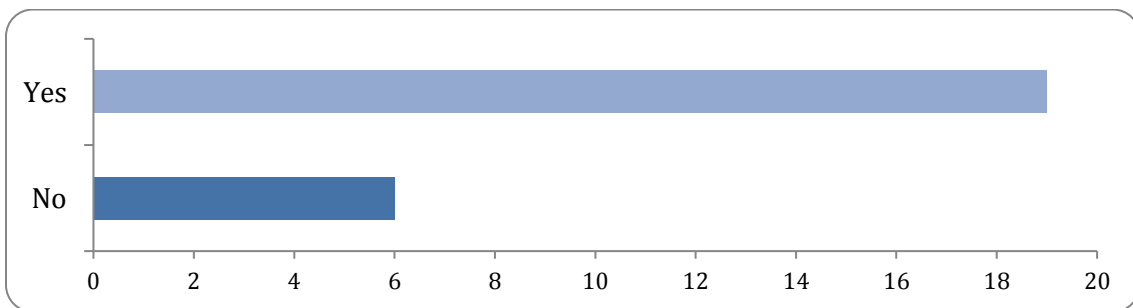
**Other**

There were 8 responses to this part of the question.

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

**Question 4**

There were 25 responses to this part of the question.

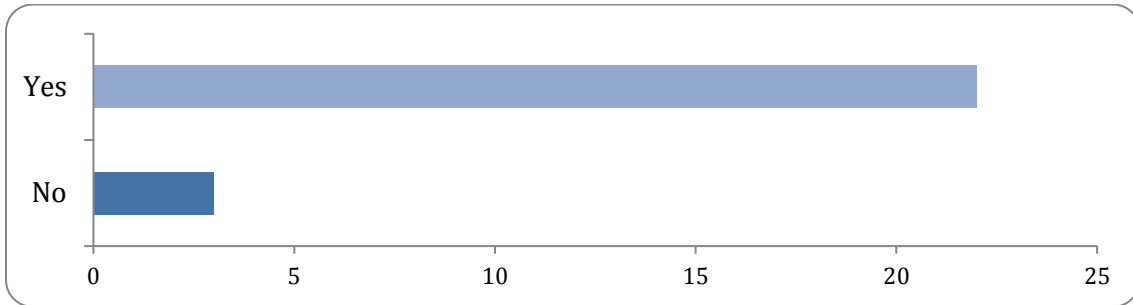


Option	Total	Percent
Yes	19	76.00%
No	6	24.00%
Not Answered	0	0.00%

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

**Question 5**

There were 25 responses to this part of the question.

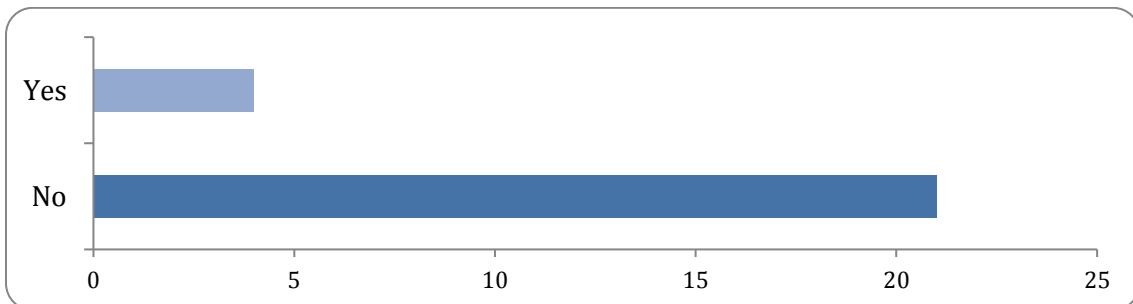


Option	Total	Percent
Yes	22	88.00%
No	3	12.00%
Not Answered	0	0.00%

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

**Question 6**

There were 25 responses to this part of the question.

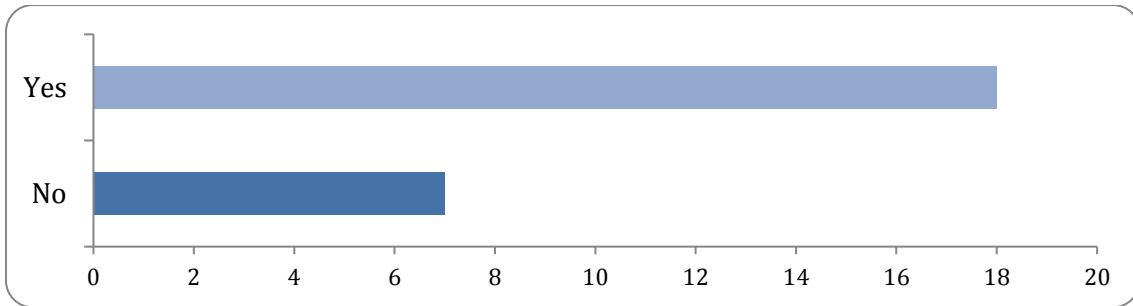


Option	Total	Percent
Yes	4	16.00%
No	21	84.00%
Not Answered	0	0.00%

7: Are you in employment?

Question 7

There were 25 responses to this part of the question.

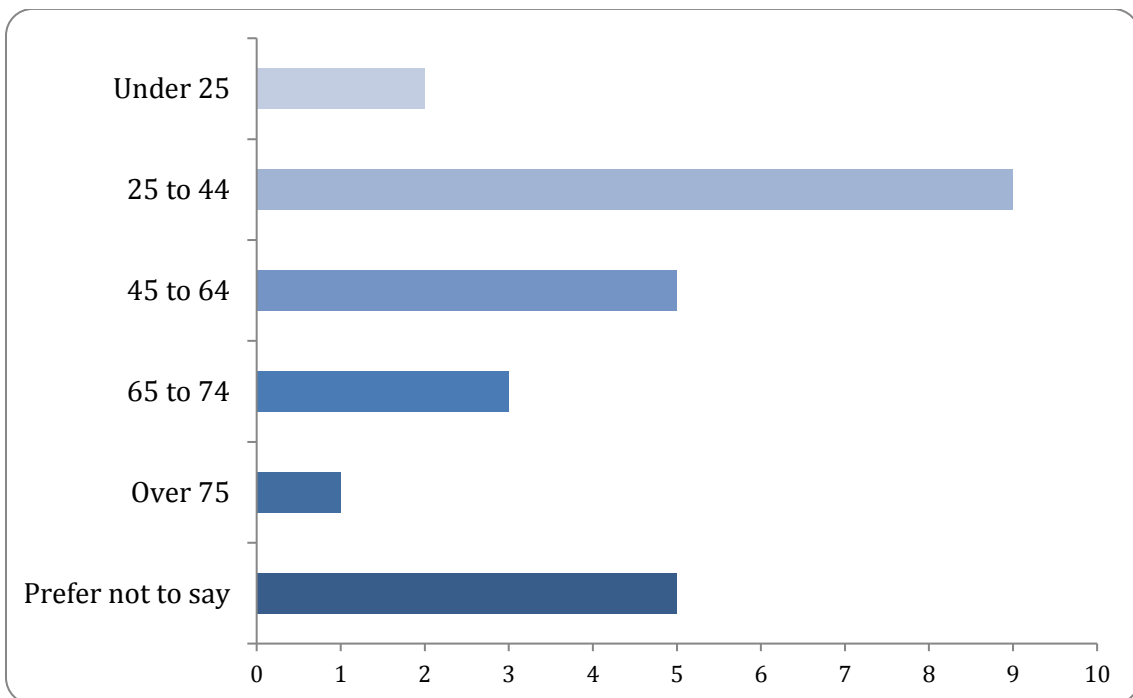


Option	Total	Percent
Yes	18	72.00%
No	7	28.00%
Not Answered	0	0.00%

8: What is your age group?

Question 7

There were 25 responses to this part of the question.



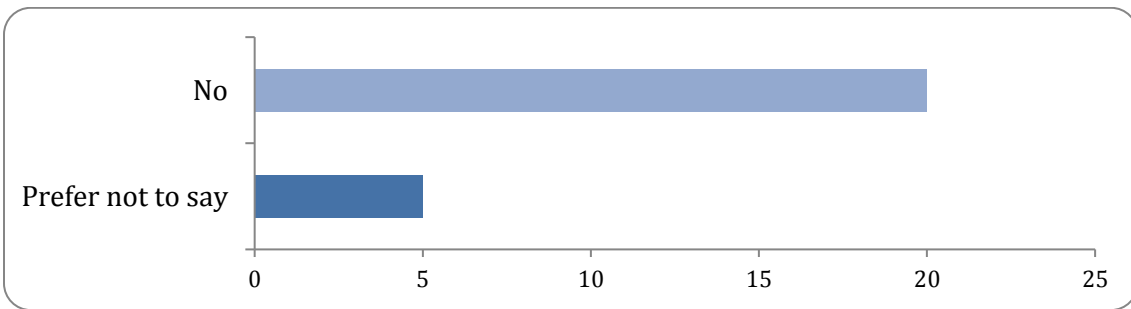
Option	Total	Percent
Under 25	2	8.00%

25 to 44	9	36.00%
45 to 64	5	20.00%
65 to 74	3	12.00%
Over 75	1	4.00%
Prefer not to say	5	20.00%
Not Answered	0	0.00%

**9: Do you have a disability?**

**Question 10**

There were 25 responses to this part of the question.



Option	Total	Percent
Yes	0	0.00%
No	20	80.00%
Prefer not to say	5	20.00%
Not Answered	0	0.00%

### Summary of council tax support scheme 2023-24

The council tax support scheme from 1 April 2023 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 2023.

It is important to note that changes to the council tax support scheme will not affect pensioners. These people are protected and their council tax support will continue to be awarded on the basis of the scheme prescribed by Central Government.

The following income bands will apply and the percentage of council tax support awarded will be 100%, 80%, 60%, 40% or 20% of the maximum eligible council tax.

There are different bands for single claimants, lone parents, couples and for people with children as illustrated below.

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
	Income £				
Band 1	000.00 to 098	000.00 to 140	000.00 to 175	000.00 to 230	100%
Band 2	098.01 to 125	140.01 to 175	175.01 to 200	230.01 to 280	80%
Band 3	125.01 to 150	175.01 to 230	200.01 to 250	280.01 to 330	60%
Band 4	150.01 to 175	230.01 to 280	250.01 to 305	330.01 to 380	40%
Band 5	175.01 to 200	280.01 to 330	305.01 to 355	380.01 to 435	20%

**It may be necessary to apply a further small inflationary increase to these income band figures but this will only be necessary if the government increases further the rates of social security benefits and Universal Credit.**

Claimants who receive Income Support, Job Seeker's Allowance (Income Based) or Employment and Support Allowance (Income Related) will fall into band 1 and will be entitled to up to 100% council tax support.

The income will be calculated, net of any allowable disregards and the if the income calculated falls into one of the following income bands, council tax support will be payable. If the net income exceeds the maximum income in band 5 then no council tax support will be payable.

Under the current council tax support scheme if a person has an income change of more than 5p a week their entitlement to support will change by just 1p per week. With the new scheme, if the income change results in the income remaining within a band, then no recalculation of the council tax support will take place.

For example, if a single person reports that their weekly income has increased from £112 to £123 per week, they will remain in Band 2 and the discount they will continue to receive is 80%.

## **Qualifying for council tax support**

A person must have a council tax liability to be able to claim council tax support and the property must be occupied by the tax payer. Council tax support is a council tax discount and if awarded it will reduce a person's council tax payments. The level of discount awarded is based on the income and capital the claimant and partner has, whether they have dependent children or other grown ups living in the household, referred to as non dependants. Other factors such as certain expenses to assist with childcare payments, disabilities and whether a person falls into a group considered to require more support will also be taken into consideration.

## **Eligible Council Tax**

The eligible council tax used in the calculation of council tax support will be the net amount payable, taking into account discounts already awarded, for a dwelling that is occupied.

The only exception to this is if the tax payer lives in a property that has an F, G or H banding. For people claiming council tax support, their maximum eligible council tax will be restricted to a band E and the maximum council tax support they can receive is 100% of the band E charge.

## **Capital limit**

If a single person or couple claiming council tax support have over £6,000 in combined capital there will be no entitlement to council tax support and the full amount of council tax will be payable. There are no exceptions to this rule. An assumed income from savings will not be applied to capital less than £6,000.

## **Non dependant deductions**

A non dependant is a person living in the council tax support claimant's home but they are not stated as a liable person on the council tax bill. They are normally a grown up child or an elderly relative living with the claimant. Deductions will normally be made from the eligible council tax for each non dependant living in the household. The deductions are based on the non dependant's gross income and whether they are working. The deductions and earnings bands are increased from 1 April each year.

A non dependant deduction will not be made if the claimant or their partner receives one of the following incomes:

- Attendance Allowance or Constant Attendance Allowance
- The daily living component of Personal Independence Payment
- The care component of Disability Living Allowance
- An armed forces independence payment

Or if the claimant or partner is severely sight impaired, blind or has recently regained sight.



## **Earned income disregards**

A maximum weekly disregard of £10 will apply to the combined earnings of the claimant and partner. If both a claimant and their partner are working the earnings disregard will be £10 in total and will not be awarded per person.

## **Income disregards – child benefit**

Child benefit for all children will be disregarded in full and will not be used in the income calculation.

## **Income disregards – maintenance in respect of a child**

Maintenance payments received in respect of a child or children will be disregarded in full and will not be used in the income calculation, subject to qualifying conditions.

## **Income disregards - Housing Element (Universal Credit)**

The housing costs element of a person's Universal Credit award will be disregarded in full.

\* Please see examples at the end of this document.

## **Income disregards – other income**

Under this scheme, as part of our ongoing commitment to support disabled people, the following incomes will continue to be disregarded and will not be used as income in the calculation of council tax support:

- Personal Independence Payment
- Attendance Allowance
- Constant Attendance Allowance
- Disability Living Allowance
- Limited Work Capability element of Universal Credit
- War Disablement Pension
- War Widow's Pension
- Christmas bonus paid by DWP
- Employment & Support Allowance – work related and support (non UC recipients only)

## **Other disregards - childcare**

To support incentives to work for those working over 16 hours, a weekly childcare disregard will be applied to earnings of up to a maximum of £175, where child care is paid for one child, or up to a maximum of £300 where childcare is paid for more than one child, subject to further qualifying conditions.

## **Other disregards - disabled child or children**

An additional income disregard of £100 per week will be applied to household income for each child who:

- Is severely sight impaired, blind or has recently regained their sight, or
- Receives Personal Independence Payment or Disability Living Allowance

### **Absences abroad for up to four weeks**

Council tax support will be paid during a temporary absence abroad providing that the period of the absence does not exceed four weeks. If the planned period of absence is greater than four weeks the claim for council tax support will end from the date of departure and the claimant will have to claim again following the return to their home address.

### **Backdating claims**

A claim for council tax support can be backdated for a maximum period of six months from the date of the claim if the claimant can demonstrate a good reason for not having claimed sooner. The claimant must provide a written request for backdated council tax support and provide full reasons for the delay in claiming.

### **Discretionary Hardship Relief Scheme**

The scheme may result in some claimants being adversely affected which may lead to hardship. As there is a need to protect the most vulnerable households, the Discretionary Hardship Relief scheme which falls within the local council tax support scheme, is designed to provide additional financial support to those tax payers who are facing either exceptional hardship or extraordinary circumstances. Subject to conditions a tax payer could be awarded a payment under the Council's Discretionary Hardship Relief scheme. An application will need to be made and it will be considered in accordance with the Council's policy.

\* Examples relating to the disregard of the Housing Element within Universal Credit:

The housing costs element of a person's Universal Credit award will be disregarded in full up to the level of the Net UC award.

Example 1

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	409.89	Net UC Award	729.89
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £729.89 - £320.00 (Housing Element) = £409.89 pcm or £94.59 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	409.89	Net UC Award	409.89
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	320.00
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £409.89 + £320.00 = £729.89 - £320.00 (Housing Element) = £409.89 pcm or £94.59 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	409.89	Net UC Award	181.19
Carer Element		Tariff Income	
Limited work capability		Household Earnings	724.81
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme will be £181.19 - £320.00 (Housing Element) = £NIL + £724.81 wages pcm or £167.26 per week (less the standard earnings disregard).

\* Example relating to the disregard of the Housing Element and Limited Work Capability element within Universal Credit:

Example 4

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	409.89	Net UC Award	1071.81
Carer Element		Tariff Income	
Limited work capability	341.92	Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	320.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £409.89 + £341.92 + £320.00 = £1071.81 - £341.92 (Limited Work Capability element) - £320.00 (Housing Element) = £409.89 pcm or £94.59 per week.

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

**Cheltenham Borough Council**

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

**2023/24**

**Section 1 (Council tax support scheme)**

1. Introduction to the council tax support banded income scheme

**Sections 2-8 (Definitions and interpretation)**

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

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

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

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

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

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

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

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

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

- 40. Student related definitions
- 41. Treatment of students
- 42. Students who are excluded from entitlement to council tax support
- 43. Calculation of grant income
- 44. Calculation of covenant income where a contribution is assessed
- 45. Covenant income where no grant income or no contribution is assessed
- 46. Student Covenant Income and Grant Income – non disregard
- 47. Other amounts to be disregarded
- 48. Treatment of student loans
- 49. Treatment of fee loans and treatment of payments from access funds
- 50. Disregard of contribution
- 51. Further disregard of student’s income
- 52. Income treated as capital

53. Disregard of changes occurring during suspension

**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)**

**Schedule 1**

Sums to be disregarded in the calculation of earnings

**Schedule 2**

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

**Schedule 3**

Disabled child additional disregard

**Schedule 4**

Capital to be disregarded

**Section 1**

**Details of support to be given to working age customers  
for the financial year 2023/24**

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

1.1 The following scheme has been adopted by the Council on 12 December 2022 in respect of the period 1 April 2023 – 31 March 2024.

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

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

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

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

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

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

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

- a. have not attained the qualifying age for state pension credit;
- b. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- c. is not deemed to be absent from the dwelling;
- d. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- e. be somebody in respect of whom a maximum council tax reduction amount can be calculated;
- f. not have capital above £6,000;
- g. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's income falls into one of the income bands or the applicant or partner is in receipt of Income Support, Jobseekers Allowance (income based) or Employment and Support Allowance (income related); and
- h. have made a valid application for support.

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

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

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

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

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
	Income £				
Band 1	000.00 to 098	000.00 to 140	000.00 to 175	000.00 to 230	100%
Band 2	098.01 to 125	140.01 to 175	175.01 to 200	230.01 to 280	80%
Band 3	125.01 to 150	175.01 to 230	200.01 to 250	280.01 to 330	60%
Band 4	150.01 to 175	230.01 to 280	250.01 to 305	330.01 to 380	40%
Band 5	175.01 to 200	280.01 to 330	305.01 to 355	380.01 to 435	20%

1.10 These income bands will apply unless the Government makes fundamental changes to welfare benefits, including Universal Credit, in the year 2023-24. If a high inflationary increase is applied to welfare benefits, the values above may need to be updated to ensure that those applicants who the Council aims to provide 100% support to, still receive this full support during 2023-24.

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 Act 1992;

**‘the 2000 Act’** means the Electronic Communications Act 2000;

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

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

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

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

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

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

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

**‘attendance allowance’** means-

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

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

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

**‘the Caxton Foundation’** means the charitable trust of that name established on 28 March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

**‘child’** means a person under the age of 16;

**‘child benefit’** has the meaning given by section 141 of SCCBA;

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

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

**‘claim’** means a claim for council tax support;

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

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

**‘contributory employment and support allowance’** means an allowance under Part 1 of the Welfare Reform Act 2007(d) as amended by the provisions of schedule 3, and part 1 of the schedule 14, to the welfare reform Act 2012 9e) that remove references to an income-related allowance and a contributory allowance under part 1 of the welfare Reform act 2007 as that part has effect apart from the provisions”

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

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

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

**‘couple’** means;

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

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

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

**‘designated authority’** means any of the following;  
the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

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

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

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

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

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

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

**‘electronic communication’** has the meaning as in section 15(1) of the Electronic Communications Act 2000; Page 87

**‘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 section 60C, and 61C the dwelling to which a applicant has ... 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;

- Page 90
- b. an annuity contractor trust scheme under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a sub-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

**'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, 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 the Republic of Ireland);

(b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine employment of their rights as a European Union citizen).

7.5 A person falls within this sub-paragraph if the person is;

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 (b) where that leave is-
  - (1) discretionary leave to enter or remain in the United Kingdom,
  - (2) leave to remain under the Destitution Domestic Violence concession<sup>©</sup> which came into effect on 1<sup>st</sup> April 2012, or
  - (3) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary protection) Regulations 2005(d);
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his

deportation, expulsion or other removal 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 11<sup>th</sup> December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18<sup>th</sup> October 1961)and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purposes of paragraph (1)”

7.10 “Person subject to immigration control” has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

**8.0 Temporary absence (period of absence)**

8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable

8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from the dwelling, be a prescribed person under paragraph 8.1.

8.3 In paragraph 8.2, a ‘period of temporary absence’ means-

- a. a period of absence not exceeding 4 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
  - i. the person intends to return to the dwelling;
  - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
  - iii. that period is unlikely to exceed 4 weeks.

**Sections 9 – 11**

**The family for council tax support purposes**

**9.0 Membership of a family**

9.1 Within the council tax support scheme, ‘family’ means;

- a. a married or unmarried couple;



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- b. married or unmarried couple and a 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;
- placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of the Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
  - placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
  - placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to section 11.4, section 11.1 shall not apply to a child or young person who is not living with the applicant and he-
- is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
  - has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
  - has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom section 11.3(a) applies as being a member of the applicant's household in any reduction week where;
- that child or young person lives with the applicant for part or all of that reduction week; and
  - the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## **Sections 12 – 29**

### **Definition and the treatment of income for council tax support purposes**

**12.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage**

- 12.1 The income and capital of:
- an applicant; and
  - any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

- 12.2 The income and capital of any partner of an 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**

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- 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

- 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-
- 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;
  - 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
  - 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-
- in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
  - the applicant is incurring relevant child care charges within the meaning of section 15.5; and
  - 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-
- the date that leave ends;
  - 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
  - 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
- '**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
  - '**child care element**' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

## 16.0 Average weekly earnings of employed earners

16.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment-

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
  - i. 5 weeks, if he is paid weekly; or
  - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 16.1a i) or ii) applies; where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

16.2 Where the applicant has been in his employment for less than the period specified in section 16.1a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

16.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

16.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 22 and 23.

### **17.0 Average weekly earnings of self-employed earners**

17.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

17.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 24 and 25 of this scheme.

### **18.0 Average weekly income other than earnings**

18.1 An applicant's income which does not consist of earnings shall, except where section 15.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 2 of this scheme.

18.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.

18.3 For the purposes of this section income other than earnings shall be calculated in accordance with sections 27 to 29 of this scheme.

### **19.0 Calculation of average weekly income from tax credits**

19.1 This section applies where an applicant receives a tax credit.

19.2 Where this sections applies, the period over which a tax credit is to be taken into account shall be the period set out in section 19.3



19.3 Where the instalment in respect of which payment of a tax credit is made is;

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two-weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four-weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid;

19.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

## 20.0 Calculation of weekly income

20.1 For the purposes of sections 16 (average weekly earnings of employed earners); 18 (average weekly income other than earnings) and 19 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined-
  - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
  - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

20.2 For the purpose of section 17 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

## 21.0 Disregard of changes in tax, contributions, etc

21.1 In calculating the applicant's income the appropriate authority may disregard any legislative change

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of social security contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C, or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

## 22.0 Earnings of employed earners

22.1 Subject to section 22.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes-

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;

- f. any payment made by the applicant 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 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, earnings derived from the employment less any expenses deducted under section (25.3) of section 25; 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 any income 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 or 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

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applicable to the assessment period; 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.

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- 33.6 Any charitable or voluntary payment which is made or due to be made at regular intervals, other than a payment which is made under or by any of 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 member of the family (but not a member of the third party's family) shall, where that payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

36.4 Section 36.3 shall not apply in respect of payment of capital made

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation to the London Bombing Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme
- (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (d) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where-
  - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

36.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such case

- a. the value of his holding in that company shall, notwithstanding section 31 (calculation of capital) be disregarded; and
- b. he shall, subject to section 36.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

36.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under section 36.5 shall be disregarded.

36.7 Where an applicant is treated as possessing capital under any of sections 36.1 to 36.2 the foregoing provisions of this Section shall apply for the purpose 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 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) a period of less than a week which includes a period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
  - (i) was first taken into account for the purposes of determining his entitlement to council tax reduction; or
  - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to the council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;
 

and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

**38.0 Capital jointly held**

38.1 Except where an applicant possesses capital which is disregarded under section 36(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

**39.0 Calculation of tariff income from capital**

39.1 No tariff income will be applied.

**Sections 40 - 53**

**Definition and the treatment of students for council tax support purposes**

**40.0 Student related definitions**

40.1 In this scheme the following definitions apply;

'**academic year**' means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'**access funds**' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds" which are made available to students in further education by institutions out of funds provided by the Secretary of State under section

- 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 holders parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
  - (iii) the holder’s spouse or civil partner;

**‘course of study’** means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

**‘covenant income’** means the gross income payable to a full-time student under a Deed of Covenant by his parent;

**‘education authority’** means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

**‘full-time course of study’** means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out-
  - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves-
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21



**'full-time student'** means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

**'grant'** (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

**'grant income'** means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

**'higher education'** means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; **'last day of the course'** means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

**'period of study'** means-

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either-
  - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
  - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- d. in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

**'periods of experience'** means periods of work experience which form part of a sandwich course;

**'qualifying course'** means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

**'modular course'** means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

**'sandwich course'** has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland) Regulations 2007 or regulations 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

**'standard maintenance grant'** means-

- a. except where paragraph (b) or (c) applies; in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- b. except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;

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

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- (a) the value of the standard maintenance allowance 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 we 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**

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50.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

## **51.0 Further disregards of student's income**

51.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

## **52.0 Income treated as capital**

52.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

52.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

52.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of payment.

## **53.0 Disregard of changes occurring during summer vacation**

53.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

## **Sections 54 - 65**

### **The calculation and amount of council tax support**

#### **54.0 Maximum council tax support**

54.1 Subject to sections 54.2 to 54.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act. The annual liability will also be restricted to a council tax band E if the applicant lives in a property that has either a council tax band F, G or H.
- (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 55 (non-dependant deductions).

54.2 In calculating a person's maximum council tax support any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

54.3 Subject to section 54.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom section 42.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in



54.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, section 54.3 shall not apply in his case.

## 55.0 Non-dependant deductions

55.1 Subject to the following provisions of this section, the non-dependant deductions in respect of a day referred to in section 54 (maximum council tax support) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £12.85 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.20 x 1/7.

55.2 In the case of a non-dependant aged 18 or over to whom section 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is-

- (a) less than £224.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £224.00, but less than £389.00, the deduction to be made under this section shall be £8.55
- (c) not less than £389.00, but less than £484.00, the deduction to be made under this section shall be £10.70;

55.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

55.4 In applying the provisions of section 55.2 in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

55.5 Where in respect of a day-

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouse and civil partners); and
- (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

55.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is-

- (a) blind or treated as blind; or
- (b) receiving in respect of himself
  - (i) attendance allowance, or would be receiving that allowance but for
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
    - (bb) an abatement as a result of hospitalisation; or
  - (ii) the care component of the disability living allowance, or would be receiving that component but for
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
    - (bb) an abatement as a result of hospitalisation; or

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- (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

55.7 No deduction shall be made in respect of a non-dependant if;

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of section 44.0 (Students); or
- (d) he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
  - (i) 'patient' has the meaning given within this scheme, and
  - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

55.8 No deduction shall be made in respect of a non-dependant;

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (c) who is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income. – earned income has the meaning given in regulation 52 of the Universal Credit regulations 2013(a)

55.9 In the application of section 55.2 there shall be disregarded from his weekly gross income-

- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

## 56.0 Extended support

56.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to extended support where;

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner-
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

- 56.2 For the purpose of section 56.1c, an applicant'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 support by virtue of the general conditions of entitlement where:

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in section 61.1(b).

**62.0 Duration of extended support period (qualifying contributory benefits)**

62.1 Where an applicant is entitled to extended support (qualifying contributory benefits), the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

62.2 For the purpose of section 62.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

62.3 The extended support period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended support (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

**63.0 Amount of extended support (qualifying contributory benefits)**

63.1 For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 61 (extended reductions (qualifying contributory benefits) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

63.2 Section 63.1 does not apply in the case of a mover.

63.3 Where an applicant is in receipt of extended support (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

**64.0 Extended support (qualifying contributory benefits) – movers**

64.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

64.2 The amount of the extended support (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

64.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the appropriate authority to-

the second authority; or the mover directly.

64.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of extended support (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support (qualifying contributory benefits) until the end of the extended support period.

**65.0 Relationship between extended support (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement**

65.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in section 61.1(b) that award will not cease until the end of the extended support period.

65.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with section 63.1(a) or 64.2 (amount of extended support – movers).

**Sections 66 - 67**

**Dates on which entitlement and changes of circumstances are to take effect**

**66.0 Date on which entitlement is to begin**

66.1 Subject to section 66.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the week following the date on which that claim is made or is treated as made.

66.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in that week in which his claim is made or is treated as made, he shall be so entitled from that week.

**67.0 Date on which change of circumstances is to take effect**

67.1 Except in cases where section 21 (disregards of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefits Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

- 67.4 Where the change of circumstances is the acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same week would, but for this paragraph, take effect in different weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

## Section 68 - 75

### Claiming and the treatment of claims for council tax support purposes

#### 68.0 Making an application

- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act; and;
- (a) a deputy has been appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or
  - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
  - (c) an attorney with a general power, or a power to apply, or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005, or otherwise;

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may, if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
  - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.
- 69.0 **Procedure by which a person may apply for a reduction under the authority's scheme**
- 69.1 Paragraphs 2 to 7 apply to an application made under the authority's scheme.
- 69.2 An application may be made;
- (a) in writing using the approved form or by using the on line claim form provided on the Council's website, or
  - (b) where the authority has published a telephone number for the purpose of receiving such applications, by telephone, or
  - (c) by submitting a claim for Universal Credit to the Department for Work and Pensions, the content of which and the Universal Credit award will be used to determine council tax support.
- 69.3
- (1) An application which is made in writing must be made to the designated office on a properly completed form.
  - (2) The form must be provided free of charge by the authority for the purpose.
- 69.4
- (1) Where an application made in writing is defective because-
    - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
    - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
  - (2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 69.5
- (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
  - (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.



69.6 In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves 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 (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 if it were made 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 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 pursuant to paragraph (1).

78.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is sufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
  - (i) must be paid to that person if he so requires; or
  - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

78.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

### **79.0 Persons to whom support is to be paid**

79.1 Subject to section 81 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

79.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

### **80.0 Shortfall in support**

80.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

### **81.0 Payment on the death of the person entitled**

81.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the support which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

### **82.0 Offsetting**

82.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision

**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;

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- (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:

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- a. Prevent and detect fraudulent claim in respect of council tax support;
  - b. Carry out investigations fairly, professionally, and in accordance with the law; and
  - c. Ensure that sanctions are applied in appropriate cases

101.2 The authority believes that is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax support;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

101.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within section 101.1 and 101.2 can be carried out successfully.

## **Schedule 1**

### **Sums to be disregarded in the calculation of earnings**

1. Where the applicant is either single or one of a couple and a member of that couple is in employment, a maximum £10 weekly disregard will be applied to earnings.

## **Schedule 2**

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

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
4. Any payment in respect of any expenses incurred or to be incurred by an applicant who is-
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 29.0 (notional income).
5. Any payment in respect of expenses arising out of the applicant's participation as a service user.
6. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
7. Where an applicant is on income support, an income-based job seeker's allowance or employment and support allowance 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 household 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;
- any payment specified in paragraph 7 or 10;
  - income support;
  - an income-based jobseeker's allowance.
  - 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 war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - a war widow's pension or war widower's pension;
  - 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;
  - a guaranteed income payment;
  - 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;
  - 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;
  - 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;
  - an Armed Forces Compensation Scheme payment.
16. Any payment made to the applicant by a child or young person or a non-dependant.
17. (1) Any payment made to the applicant in respect of a person who is a member of his family-
- 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)
  - 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);

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- (c) which is a payment made by a person (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)(a) will 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 time of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of the two years from that person's death.

- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
  - (b) the payment is made either
    - (i) to that person's parent or step-parent, or
    - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

**27.** Any housing benefit, the housing element and the limited work capability of Universal Credit. Where the assessment of Universal Credit includes a housing element and/or a limited work capability element, this will be disregarded from the Universal Credit award. The remaining award amount will then be treated as income without exception.

**28.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

**29.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

**30.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

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- Welsh Ministers to or on behalf of the applicant or his partner relating to a service provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
31. (1) Any payment made by a local authority or his partner relating to a service provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
32. Any payment of child benefit.
33. If the Government announce increases to welfare benefits in year, after the council tax support scheme has been approved, the Council reserves the right to be able to disregard these increases in income to ensure that applicants continue to receive the intended level of support.

### **Schedule 3**

#### **Disabled child additional disregard**

1. An additional disregard of £100 per week will be applied to the total income of the claimant and partner(s) for each disabled child or young person whom the claimant or a partner is responsible and who is a member of the claimant's household. The child or young person -
- (i) is in receipt of disability living allowance or is no longer in receipt of such allowance because they are a patient, provided that that the child or young person continues to be a member of the family, or
  - (ii) is blind or treated as blind, or
  - (iii) is a child or young person in respect of whom section 145A of the Act (entitlement to child benefit after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, or
  - (iv) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family, or
  - (v) is a young person who is in receipt of armed forces independence payment.

### **Schedule 4**

#### **Capital to be disregarded**

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the 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

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 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), 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;
- was formerly in the applicant's care, and
  - is aged 18 or over, and
  - 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-
- 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;
  - 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
  - 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 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

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 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.



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50. (1) Any payment of a sports award for a period of 52 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 acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to;

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending-
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person-
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,whichever is latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is-

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to-

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending-
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person
    - (aa) ceases receiving full-time education; or
    - (bb) attainswhichever is the latest.

(5) In this paragraph, a reference to a person-

- (a) being the diagnosed person's partner;
  - (b) being a member of a diagnosed person's family;
  - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph-  
'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jacob disease;  
'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jacob disease for the benefit of persons eligible for payments in accordance with its provisions;  
'trust payment' means a payment under a relevant trust.

56. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
  - (b) had suffered property loss or had suffered personal injury; or
  - (c) was a parent of a child who died, during the Second World War.
57. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
58. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
59. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
60. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
61. Any payments to an applicant made under section 49 of the Children and Families Act 2014(a) (personal budgets and direct payments)

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## Cheltenham Borough Council

**Council – 12 December 2022**

### Review of the Constitution

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**Accountable member:**

Cllr Rowena Hay, Leader of the Council

**Accountable officer:**

Claire Hughes, Corporate Director and Monitoring Officer

**Ward(s) affected:**

n/a

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**Key/Significant Decision:**

No

**Executive summary:**

This report sets out the recent work and recommendations of the Constitution Working Group for consideration by Council.

**Recommendations:**

1. To increase the time limit for submitting Motions from 5 working days to 7 working days;
  2. To increase the time limit for submitting member and public questions to Council, Cabinet and the Overview and Scrutiny Committee from 5 working days to 7 working days;
  3. That the time permitted for speeches in general debate is reduced from 5 minutes to 3 minutes;
  4. For the purposes of inclusivity, Clause 13.2 of the Council Procedure Rules (the need to stand to address the meeting) is updated to enable Members to either stand or remain seated when addressing the meeting; and
  5. To delegate authority to the Monitoring Officer to make the consequential amendments to the Constitution
-

## 1. Implications

### 1.1. Financial implications

There are no direct financial implications arising from the recommendations.

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

### 1.2. Legal implications

There is no statutory requirement regarding any timescales for the submission of motions or questions to Cabinet or Council. To ensure fairness and transparency the Constitution and information provided by the Authority should clearly state the timescales.

**Signed off by:** One Legal – [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk) (01684) 272012

### 1.3. HR implications

There are no direct HR implications arising from this report.

**Signed off by:** Julie McCarthy, HR Manager, [julie.mccarthy@publicagroup.uk](mailto:julie.mccarthy@publicagroup.uk)

### 1.4. Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

**Signed off by:** Laura Tapping, Climate Change Programme Officer,  
[laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

### 1.5. Property/asset implications

There are no direct property or assets implications arising from the recommendations.

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

### 1.6. Corporate policy framework implications

The recommendations, if approved, will support the good governance of the council which in turn will enable the council to be better able to deliver its corporate plan

**Signed off by:** Richard Gibson, Head of Communities, Wellbeing and Partnerships  
[richard.gibson@cheltenham.gov.uk](mailto:richard.gibson@cheltenham.gov.uk)

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## 2. Promoting equality and reducing discrimination

There are no direct equality impacts arising from this report

## 3. Performance management – monitoring and review

#### **4. Background**

- 4.1. The Constitution Working Group (CWG), the Member Group with responsibility for reviewing and overseeing changes to the Constitution, met on 14 October 2022 to consider a number of proposed amendments to the Constitution.

#### **5. Council Procedure Rules (Part 4A)**

- 5.1. Clause 5.1 Notices of Motion provides that the time limit for submitting Motions is 5 working days before the meeting. To provide adequate time in terms of notice, preparation and administration and to properly prepare and ensure a full consideration and an effective debate the CWG agreed that the notice period should be changed to 7 working days before the meeting
- 5.2. Clause 12.3 Questions. As with Clause 5.1 above the CWG agreed that the time for submission of both public and member questions should be changed to 7 working days.
- 5.3. Clause 13.2 The need to stand to address the meeting. The CWG agreed that this clause is not appropriate when considering issues of equality in respect of disabilities. Equally, they agreed that asking someone to justify why they are not prepared to stand is not appropriate when considering disability issues. Therefore, recognising that some Members will still prefer to stand, it was agreed that this clause should be amended to state that for the purposes of inclusivity, Members can either stand or remain seated when addressing the meeting.
- 5.4. Clause 13.11 Length of Speeches. General speeches are presently allowed up to a maximum of five minutes in debate, in order to bring focus to the debate the CWG agreed that this time period should be reduced to three minutes.

#### **6. Cabinet (Part 4B), Committees (Part 4C) and Overview and Scrutiny Committee (Part 4D)**

- 6.1. Each of these Committees presently accept questions on 5 days' notice. To bring consistency of approach the CWG agreed that this should also be changed to 7 working

#### **7. Minor Amendments**

- 7.1. The Constitution provides that the Monitoring Officer is permitted to make minor amendments without the need for ratification by Council. Council are asked to note the following amendments which will be made in accordance with that provision:
- 7.1.1. In Part 3C (Functions) references to the Director or Environment will be updated to reflect the new titles of posts following the re-structure
- 7.1.2. In Part 3D (Officer Non-Executive Function) references to the Director of Planning will be amended to reflect the new titles of posts following the re-structure

#### **8. Reasons for recommendations**

- 8.1. To ensure that the Council's Constitution remains up to date and in accordance with current

## **9. Alternative options considered**

9.1. None

## **10. Consultation and feedback**

10.1. Constitution Working Group

## **11. Key risks**

11.1. None

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### **Report author:**

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

### **Background information:**

[Cheltenham Borough Council Constitution](#)



## Cheltenham Borough Council

### Council – 12 December 2022

### Member Code of Conduct

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**Accountable member:**

Cllr Rowena Hay, Leader of the Council

**Accountable officer:**

Claire Hughes, Corporate Director and Monitoring Officer

**Ward(s) affected:**

n/a

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**Key/Significant Decision:**

No

**Executive summary:**

This report sets out the proposed Member Code of Conduct.

**Recommendation:**

1. To adopt the Member Code of Conduct with effect from 1 January 2023
- 

#### 1. Implications

##### 1.1. Financial implications

There are no direct financial implications arising from the recommendations.

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

##### 1.2. Legal implications

The principal statutory provisions relating to the standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Authority must promote and maintain high standards of conduct by Members and Co-opted members of the authority. Section 27 and 28 of the Localism Act require the Authority to adopt a Code of Conduct.

**Signed off by:** One Legal - [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk) Tel (01684) 272012

### 1.3. HR implications

There are no direct HR implications arising from this report.

**Signed off by:** Julie McCarthy, HR Manager, [julie.mccarthy@publicagroup.uk](mailto:julie.mccarthy@publicagroup.uk)

### 1.4. Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

**Signed off by:** Laura Tapping, Climate Change Programme Officer, [laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

### 1.5. Property/asset implications

There are no direct property or assets implications arising from the recommendations.

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

### 1.6. Corporate policy framework implications

The recommendations, if approved, will support the good governance of the council which in turn will enable the council to be better able to deliver its corporate plan

**Signed off by:** Richard Gibson, Head of Communities, Wellbeing and Partnerships [richard.gibson@cheltenham.gov.uk](mailto:richard.gibson@cheltenham.gov.uk)

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## 2. Promoting equality and reducing discrimination

There are no direct equality impacts arising from this report

## 3. Performance management – monitoring and review

n/a

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## 4. Background

4.1. The group of Monitoring Officers for the Gloucestershire Councils have been involved in discussing and drafting a proposed Member Code of Conduct taking into account the LGA model and their experiences of operating the present Codes in the individual Councils. The Code is now at a stage where Councils have been actively consulting upon it and are moving towards adoption.

4.2. The group believe that there are a number of benefits of having a unified code, including the fact that those members who sit on more than one Council will have one consistent set of

- 4.3. Whilst the group acknowledge that parish councils are under no obligation to adopt the common Gloucestershire Code, they were supported in its development by Gloucestershire Association of Parish and Town Councils (GAPTC). GAPTC is extremely supportive of parish councils adopting the unified Code as they believe it will enable them to provide better advice, support and training. The Monitoring Officer will be discussing the revised Code and promoting its adoption with parish councils in January.
- 4.4. While the style and layout of the Code is different to the Local Government Association (LGA) model code, the content is fully consistent with it. This ensures that the Authority can still benefit from the training that the LGA offers on Code of Conduct issues
- 4.5. The Code was considered by the Standards Committee on 4 August and the Constitution Working Group on 14 October both of whom agreed to recommend it to Council

## 5. Reasons for recommendations

- 5.1. To ensure that the Code of Conduct remains up to date and aligns with best practice.

## 6. Alternative options considered

- 6.1. None but Council could decide not to adopt the revised Code.

## 7. Consultation and feedback

- 7.1. Standards Committee, Constitution Working Group and Group Leaders

## 8. Key risks

- 8.1. None

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### Report author:

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

### Appendices

1. Revised Code of Conduct
2. Tracked change version of the Code identifying differences between the existing Code and proposed Code

### Background information:

[Cheltenham Borough Council Code of Members' Conduct](#)

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# **Cheltenham Borough Council**

## **CODE OF MEMBERS' CONDUCT**

**Adopted on 12 December 2022**

**taking effect on 1 January 2023**

## **Contents**

- I Introduction
- II Scope of the Code of Conduct
- III General Principles of Members' Conduct
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- V Registration of Interests
- VI Declaration of Interests and Restrictions on Participation
- VII Duties in respect of the Code of Conduct
- VIII Dispensations
- IX Gifts and Hospitality
- X Definitions

Appendix A – Disclosable Pecuniary Interests

Appendix B – Other Registrable Interests

## **I. Introduction**

1. This Code of Conduct (Code) is adopted pursuant to the Authority's duty to promote and maintain high standards of conduct by Members of the Authority.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

## **II. Scope of the Code of Conduct**

2. The Code applies to Members whenever acting in their official capacity as a Member of the Authority, including;
  - (a) when engaged in the business of the Authority including Ward business or representing the Authority externally;
  - (b) when behaving so as to give a reasonable person the impression of acting as a representative of the Authority.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Authority and any Protocols and Policies which may be adopted from time to time by the Authority.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.<sup>1</sup>

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<sup>1</sup> Section 34 Localism Act 2011

### III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

### IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

#### General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (4) **Do** promote equalities and **do not** discriminate unlawfully against any person.



- (5) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (6) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.
- (7) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless–
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the Authority.

Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.
- (8) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (9) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (10) **Do** not behave in a manner which brings your role or the Authority into disrepute.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Authority, or authorising the use of those resources by others:

- (12) **Do** act in accordance with the Authority's requirements including the requirements of the Authority's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or to the office to which you have been elected or appointed.
- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Authority:

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Authority's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Authority and be prepared to give reasons for those decisions and actions.
- (18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

## V. Registration of Interests

8. Members shall observe the following rules when registering their interests.
- (1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
  - (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
  - (3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
  - (4) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

## VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

### 9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Authority's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(2) of this Code.
- (3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.
- (4) **Do not**, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
  
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
  - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)
  
  - (b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associateor
  - (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(2) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- (3) **Do not**, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(2) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

## **VII. Duties in respect of the Code of Conduct**

11. Members shall observe the following:-

- (1) **Do** undertake training on the Code of Conduct as required by the Authority.
- (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Authority.
- (3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Council's Code of Conduct.

- (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

### **VIII. Dispensations**

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Monitoring Officer for a dispensation.
13. A Member may be granted a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

### **IX. Gifts and Hospitality**

14. When offered gifts or hospitality in your capacity as a Member of the Authority, the following rules must be observed.
- (1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or to a reasonable suspicion of influence to show favour, from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.
- (2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).

- (3) **Do** register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.

## **X. Definitions**

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority.
5. "Member" is an elected Member or a Co-opted Member of the Authority.  
"Co-opted Member" is a person who is not a Member of the Authority but who is either a Member of any Committee or Sub-Committee of the Authority, or a Member of, and represents the Authority on, any Joint Committee or Joint Sub-Committee of the Authority, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. "Member of your family" means:



- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
  - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; and the partners of any of these persons;
  - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; and the partners of any of these persons.
7. "Monitoring Officer" is the Monitoring Officer to the Authority.
  8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's Register in consequence of that notification.
  9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
  10. "The Act" is the Localism Act 2011.
  11. "The Authority" is Cheltenham Borough Council.
  12. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
  13. "Well-being" means general sense of contentment and quality of life.
  14. Excepted functions are functions of the Authority in respect of

- (i) housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to the Member's tenancy or lease;
- (ii) an allowance, payment or indemnity given to Members;
- (iii) any ceremonial honour given to Members; and
- (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

## Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following**:

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

- Licences Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
- Corporate Tenancies Any tenancy where (to M's knowledge) –  
(a) the landlord is the relevant authority; and  
(b) the tenant is a body in which the relevant person has a beneficial interest.
- Securities Any beneficial interest in securities of a body where –  
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either –  
  
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
  
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;

- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

## Other Registrable Interests

The interests set out below are "other registrable interests" which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Authority.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union).  of which the Member of the Authority is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.

**Cheltenham Borough Council**

**CODE OF MEMBERS' CONDUCT**

**Adopted on ~~the 25<sup>th</sup> June 2012~~ 12 December 2022  
taking effect on 1 January 2023**

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## **I. Introduction**

1. This Code of Conduct (Code) is adopted pursuant to the Authority's duty to promote and maintain high standards of conduct by Members of the Authority.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

## **II. Scope of the Code of Conduct**

2. The Code applies to Members whenever acting in their official capacity as a Member of Cheltenham Borough Council, including:
  - (a) when engaged in the business of Cheltenham Borough Council including Ward business or representing the Authority externally;
  - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Cheltenham Borough Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Authority and any Protocols and Policies which may be adopted from time to time by the Authority.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.<sup>1</sup>

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<sup>1</sup> Section 34 Localism Act 2011

### III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of [breaches a breach](#) of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

### IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

#### General Requirements

- (1) **Do** treat [otherseveryone](#) with respect.
- (2) **Do not** bully any person.
- (3) ~~Do not do anything which may cause your Authority to~~ [breachharass](#) any ~~of the equality enactments.~~ [person](#)
- (4) **Do** [promote equalities and do not discriminate unlawfully against any person.](#)

(5) **Do not** use your position improperly, to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code ~~of Conduct.~~

(56) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.

(67) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, ~~except where unless~~

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is –
  - (a) reasonable and in the public interest; and
  - (b) made in good faith and in compliance with the reasonable requirements of the Authority.

~~(v) before~~ Before making any disclosure under ~~the provision and~~ (iv) above, the written advice of the ~~Borough Solicitor~~ Monitoring Officer must be sought and considered.

(78) **Do not** prevent another person from gaining access to information to which that person is entitled by law.

(89) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.

(10) **Do not behave in a manner which brings your role or the Authority into disrepute.**

(11)

~~When using the resources of the Authority, or authorising the use of those resources by others:~~

- ~~(9) Do act in accordance with the Authority's reasonable requirements including the requirements of the Authority's IT Policy;~~
- ~~(10) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and~~
- ~~(11) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;~~
- (12) Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Authority, or authorising the use of those resources by others:

- (12) Do act in accordance with the Authority's requirements including the requirements of the Authority's ICT Policy.
- (13) Do ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or to the office to which you have been elected or appointed.
- (14) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Authority:

- ~~(1315)~~ **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- ~~(1416)~~ **Do** have regard to ~~any relevant~~ advice provided to you by the Authority's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to ~~his or her~~their statutory duties.

(1517) **Do** be as open as possible about your own decisions and actions and those of your authority and be prepared to give reasons for those decisions and actions.

(1618) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

## V. Registration of Interests

8. Members shall observe the following rules when registering their interests.

(1) **Do**, within 28 days of ~~the adoption of this Code by the Council or within 28 days of~~ taking office as a Member (or ~~co~~Co-opted Member), ~~whichever is sooner, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B.~~

~~(2) **Do**, within 28 days of re-election as a Member or re-appointment as a co-opted Member, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B ~~which has not already been entered in the Authority's register in accordance with (1) above.~~~~

~~(32) **Do**, within 28 days of the date of a disclosure referred to in ~~paragraph~~Paragraph 9(~~12~~) of this Code, notify the Monitoring Officer of the interest ~~(unless it is the subject of a pending notification).~~~~

~~(43) **Do** notify the Monitoring Officer of any ~~changes to interests required~~new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change ~~to be registered under Appendix B.~~~~

~~(54) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.~~

## VI. Declaration of ~~interests~~Interests and Restrictions on Participation

Members ~~should~~must observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(1) **Do** ~~ensure, that if your interest is not entered in the Authority's Register, you~~ disclose the interest to the meeting ~~(unless. If the Authority's Monitoring Officer considers that it is a sensitive interest in which case you, you must declare that you have an interest but~~ do not need to disclose the nature of the interest~~);~~.

(2) **Do** ~~ensure that, if your interest is not entered in the Authority's Register, you disclose the interest to the meeting as required in 9(1) above~~ and that you notify the Monitoring Officer of the interest within 28 days in accordance with ~~paragraph~~Paragraph 8(32) of this Code.

(23) **Do** ~~leave~~withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting ~~(unless a dispensation has been granted) and do.~~

(4) **Do not**, ~~as a member of the Authority's executive,~~ exercise any executive functions in ~~that respect of any matter. in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.~~

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other [registrable interests](#)),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent ~~than~~ it would affect the majority of other ~~council~~[Council](#) taxpayers, ratepayers or inhabitants of the ~~ward~~[Ward](#) affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(31) **Do** ensure that you disclose the interest to the meeting. [If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.](#)

(42) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), ~~or exercise executive functions in relation to that matter if,~~

(a) it affects [the financial position of an interest specified in Appendix B \(other registrable interests\)](#)

(b) [it affects](#) your financial position or ~~the financial position~~[well-being or that](#) of ~~the~~[a](#) member of your family, or [any](#) person with whom you have a close association ~~described above, or who has~~



a contractual relationship (including employment) with yourself, member of your family or close associate

or

(bc) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

—The rules set out in paragraphParagraph 10(42) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

(3) Do not, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(2) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

## VII. Duties in respect of the ~~Standards Committee~~Code of Conduct

11. Members shall observe the following:-

(1)Do undertake training on the Code of Conduct as required by the Authority.

- (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the ~~Authority pursuant to the Act~~<sup>2</sup> Authority.
- (23) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Authority's Code of Conduct.
- (4) Do comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

### VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in ~~paragraph~~Paragraph 10 of this Code, the Member may apply to the ~~Borough Solicitor~~Monitoring Officer for a dispensation.
13. ~~The Authority may grant a~~ Member may be granted a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in ~~paragraph~~Paragraph 10 of this Code.

### IX. Gifts and Hospitality

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<sup>2</sup> ~~Section 28(b) of the Localism Act 2011~~

14. When offered gifts or hospitality in your capacity as a Member of the Authority, the following rules must be observed.

- (1) Do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or to a reasonable suspicion of influence to show favour, from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.
- (2) Do register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).
- (3) Do register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.

## **X. Definitions**

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

"Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).~~1.~~

———"The Act" is the Localism Act 2011.

2.———"The Authority" is Cheltenham Borough Council.

~~2.~~ 3

~~3.~~ Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence

~~4.~~ "Meeting" is a meeting of the Authority, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority ~~Authority.~~

~~4.~~ "Committee" includes the Cabinet of the Authority.

~~5.~~ "Standards Committee" is the Standards Committee of Cheltenham Borough Council.

~~65.~~ "Member" is an elected Member or a ~~ee~~Co-opted Member of the Authority.

7. "Co-opted Member" is a person who is not a Member of the Authority but who is either a Member of any Committee or Sub-Committee of the Authority, or a Member of, and represents the Authority on, any ~~joint~~Joint Committee or ~~joint~~Joint Sub-Committee of the Authority, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.

~~8.~~ "Monitoring Officer" is the Monitoring Officer to Cheltenham Borough Council.

~~9.~~ "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's register in consequence of that notification.

~~106.~~ "Member of your family" means:

- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
- A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; and the partners of any of these persons;
- A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; and the partners of any of these persons.

~~11. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).~~ 7. "Monitoring Officer" is the Monitoring Officer to the Authority.

8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's Register in consequence of that notification.

9. Respect means politeness and courtesy in behaviour, speech, and in the written word.

10. "The Act" is the Localism Act 2011.

11. "The Authority" is Cheltenham Borough Council.

12. "wellUnlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

13. “Well-being” means general sense of contentment and quality of life.

~~13~~14. Excepted functions are functions of the Authority in respect of

- (i) housing, where the Member is a tenant of your authority provided that those functions do not relate particularly to the Member’s tenancy or lease;
- (ii) an allowance, payment or indemnity given to ~~members~~Members;
- (iii) any ceremonial honour given to ~~members~~Members; and
- (iv) setting ~~council~~Council tax or a precept under the Local Government Finance Act 1992.

## Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with ~~paragraphs~~Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following:**

- ~~The~~the Member’s spouse or civil partner;;
- A person with whom the Member is living as husband and wife; or
- A person with whom the Member is living as if they were civil partners;;

and the Member is aware that that other person has the interest.

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Subject \_\_\_\_\_ Disclosable Pecuniary Interest

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Employment, ~~office, trade~~Office, Trade, Any employment, office, trade, profession or Profession or ~~vocation~~Vocation vocation carried on for profit or gain.

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Sponsorship Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.  
 This includes any payment or financial benefit from a ~~trade union~~Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

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Contracts Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –  
 (a) under which goods or services are to be provided or works are to be executed; and  
 (b) which has not been fully discharged.

Land Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate <a href="#">tenancies</a> <u>Tenancies</u>	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either –  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;



- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

## Other Registrable Interests

The interests set out below are “other registrable interests” which must be notified to the Monitoring Officer in accordance with paragraphs~~Paragraphs~~ 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management <del>and to which he/she is</del> <u>(including where you have been appointed or nominated by the Authority).</u>
Public/Charitable and <del>other</del> <u>Other external bodies</u> <u>External Bodies</u>	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose <del>principle</del> <u>principal</u> purposes includes the influence of public opinion or policy (including any political party or <del>trade union</del> <u>Trade Union</u> ).  of which the Member of the Authority is a member or in a position of general control or management.
Employer	Any person or body who employs <del>s</del> or has appointed <del>s</del> the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his <del>office</del> <u>Office</u> , gifts or hospitality worth an estimated value of £50 or more.



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## Cheltenham Borough Council

### Council – 12<sup>th</sup> December 2022

## O&S Referral – Council motion on UNICEF child-friendly city status and No Child Left Behind (18<sup>th</sup> July)

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#### **Accountable member:**

Cllr. John Payne, Chair of Overview & Scrutiny

#### **Accountable officer:**

Darren Knight, Executive Director Place and Communities

#### **Accountable scrutiny committee:**

Overview & Scrutiny

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

N/A

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#### **Key/Significant Decision:**

No

#### **Executive summary:**

This report summarises the response of the Overview & Scrutiny Committee (O&S) to the Council referral on 18<sup>th</sup> July concerning UNICEF child-friendly status and No Child Left Behind. A motion calling on the council to pursue status as a child-friendly city was proposed by Cllr. Flynn, before an amendment from Cllr. Clucas requested that the matter be referred to O&S for further investigation of the situation, proposal and implications. The amended motion was carried, and the matter was referred to O&S, with a report to be brought back to Council as soon as practicable.

Richard Gibson (Head of Communities, Wellbeing and Partnerships) was assigned to produce a discussion paper looking at the key questions, namely:

- What is UNICEF child-friendly status and how does this compare with No Child Left Behind?

- Given current council priorities, would working towards UNICEF child-friendly status add value to our work?
- Is it realistic, given current workloads, for the council to lead the work to achieve child-friendly status alongside its existing priorities and its commitment to No Child Left Behind?

The discussion paper is attached in full at Appendix 2. Members discussed the paper in detail and put questions to the officer before determining the committee's recommendations to Council.

### **Recommendations:**

- 1. To note the recommendations from the Overview & Scrutiny Committee;**
- 2. To agree that No Child Left Behind be ring-fenced, and not changed or diluted by pursuit of the UNICEF child-friendly approach;**
- 3. To determine not to pursue an application to join the UNICEF initiative, but requests that the Chair of Overview & Scrutiny writes to the County Council to establish whether a cross-county approach can be developed with relation to the child-friendly framework, including greater involvement of children in the decisions that affect them.**

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## **1. Implications**

### **1.1. Financial implications**

There are no direct financial implications arising from this report.

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

### **1.2. Legal implications**

There is no statutory requirement on the Authority to participate in this initiative.

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

### **1.3. HR implications**

There are no HR implications or recommendations.

**Signed off by:** Clare Jones, HR Business Partner, [clare.jones@publicagroup.uk](mailto:clare.jones@publicagroup.uk)

### **1.4. Environmental and climate change implications**

There are no direct environmental or climate change implications arising from this report.

**Signed off by:** Laura Tapping, Climate Emergency Programme Officer,  
[Laura.Tapping@cheltenham.gov.uk](mailto:Laura.Tapping@cheltenham.gov.uk)

### **1.5. Property/asset implications**

There are no direct property or asset implications arising from this report.

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

### 1.6. Corporate policy framework implications

There are no direct corporate policy framework implications arising from this report.

**Signed off by:** Ann Wolstencroft, Program Manager, [Ann.Wolstencroft@cheltenham.gov.uk](mailto:Ann.Wolstencroft@cheltenham.gov.uk)

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## 2. Promoting equality and reducing discrimination

N/A

## 3. Performance management – monitoring and review

N/A

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## 4. Background

- 4.1. At the Full Council meeting on 18<sup>th</sup> July 2022, Cllr. Wendy Flynn proposed a motion that would commit the council to working towards achieving UNICEF child-friendly status, a rights-based framework that makes children an integral part of public policies, programmes and decisions.
- 4.2. Cllr. Flo Clucas proposed an amendment to the motion which raised concerns about the timescale and workload required to achieve this. In proposing the amendment, she highlighted the success of No Child Left Behind (NCLB) since 2018, and suggested referring the matter to Overview & Scrutiny for further investigation.
- 4.3. Council resolved to refer the matter to O&S for a closer look at the situation, proposal and implications, with a report subsequently coming back to Council for a decision to be made.
- 4.4. The Head of Communities, Wellbeing and Partnerships (Richard Gibson) produced a detailed discussion paper comparing child-friendly status to the current NCLB offer and assessing the possible benefits and risks of pursuing the UNICEF framework.
- 4.5. This discussion paper was considered by O&S at the 31<sup>st</sup> October meeting, and following Q&As with the officer and Member debate, the committee resolved to make two recommendations to Council:
  - **No Child Left Behind be ring-fenced, and not changed or diluted by pursuit of the UNICEF child-friendly approach;**
  - **County council colleagues be consulted to see if a cross-county approach can be developed with relation to the child-friendly framework, including greater involvement of children in the decisions that affect them.**

## 5. Reasons for recommendations

- 5.1. Following the Member debate, the Chair of O&S summarised the view of the committee. While Members felt that the principles of the UNICEF framework were needed, the difficulties in

pursuing child-friendly status were clear.

- 5.2. It was agreed that CBC did not currently have the resources to do so without diluting the NCLB offer, and county-wide cooperation would be essential if they were to pursue it further.
- 5.3. Throughout the debate, Members highlighted the importance of ensuring that children were involved in the decisions that affected them, and it was suggested that colleagues at GCC be consulted to find out if a cross-county approach could be developed.

## 6. Alternative options considered

- 6.1. At both the Council meeting on 18<sup>th</sup> July and the O&S Committee on 31<sup>st</sup> October, Members considered a number of different options for how to proceed. The full minutes of both items are available in the background information.

## 7. Consultation and feedback

- 7.1. O&S meeting on 31<sup>st</sup> October, and further discussion with the Chair of O&S, Head of Communities, Wellbeing and Partnerships, and Monitoring Officer.

## 8. Key risks

- 8.1. If scrutiny arrangements are not supported by Members and officers, they may not be successful in delivering the outcomes required.
- 8.2. If scrutiny is not carrying out the full extent of its role (i.e. pre- and post-decision scrutiny and overview), there is a risk of a democratic deficit.
- 8.3. If the council dilutes resources across key priorities regarding children then initiatives may fail.

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### Report author:

Harry Mayo, Democracy Officer, [harry.mayo@cheltenham.gov.uk](mailto:harry.mayo@cheltenham.gov.uk)

### Appendices:

- i. Risk Assessment
- ii. Discussion paper from 31<sup>st</sup> October O&S meeting

### Background information:

- i. [Minutes of 18<sup>th</sup> July Council meeting \(agenda item 12: Notices of Motion\)](#)
- ii. [Minutes of 31<sup>st</sup> October O&S meeting \(agenda item 10: Response to Council referral on 18th July regarding UNICEF child friendly status and No Child Left Behind\)](#)



## 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 scrutiny arrangements are not supported by Members and officers, they may not be successful in delivering the outcomes required.	Democratic Services	2	3	6	Reduce	Continue to regularly review the effectiveness of scrutiny arrangements.	Democratic Services, O&S Committee	Ongoing
	If scrutiny is not carrying out the full extent of its role (i.e. pre- and post-decision scrutiny and overview), there is a risk of a democratic deficit.	Democratic Services	2	3	6	Reduce	Continue to regularly review the effectiveness of scrutiny arrangements.	Democratic Services, O&S Committee	Ongoing
	If the council dilutes resources across key priorities regarding children then initiatives may fail.	Richard Gibson	4	3	12	Reduce	Continue to prioritise work and ensure adequate resource allocated.	Richard Gibson	Ongoing

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