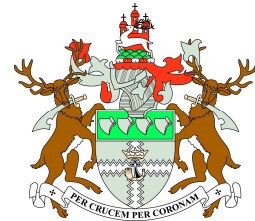


# Council Agenda



## Epping Forest District Council

### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 16 December 2014 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'Glen Chipp'.

**Glen Chipp**  
Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Simon Hill  
Tel: 01992 564249 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact Democratic Services on 01992 564249.

**BUSINESS****1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. MINUTES (Pages 7 - 14)**

To approve as a correct record and sign the minutes of the meeting held on 4 November 2014. (attached)

**3. DECLARATIONS OF INTEREST**

(Chief Executive) To declare interests in any item on the agenda.

**4. ANNOUNCEMENTS**

**(a) Apologies for Absence**

**(b) Announcements**

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

**5. PUBLIC QUESTIONS (IF ANY)**

To answer questions asked after notice in accordance with the provisions contained in paragraph 11.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

## **6. QUESTIONS BY MEMBERS UNDER NOTICE**

To answer questions asked after notice in accordance with the provisions contained in paragraph 12.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council or
- (c) to any Member of the Cabinet.

Council Procedure rule 12.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

## **7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 15 - 44)**

To receive reports from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Assets and Economic Development Portfolio Holder; (attached)
- (c) Report of the Environment Portfolio Holder; (attached)
- (d) Report of the Finance Portfolio Holder; (attached)
- (e) Report of the Governance and Development Management Portfolio Holder; (attached)
- (f) Report of the Housing Portfolio Holder; (attached)
- (g) Report of the Leisure and Community Services Portfolio Holder; (attached)
- (h) Report of the Planning Policy Portfolio Holder; (attached)

- (i) Report of the Safer, Greener and Transport Portfolio Holder; (attached) and
- (j) Report of the Technology and Support Services Portfolio Holder (attached).

## **8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Council Procedure Rule 12.6 provides for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

- (i) reports under item 7 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 12.7 provides that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) where the question relates to an operational matter, the Leader or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Procedure Rule 12.8, a time limit of thirty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

## **9. MOTIONS**

To consider any motions, notice of which has been given under Council Procedure Rule 13.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

## **REPORTS OF CABINET**

### **10. LEISURE AND CULTURAL STRATEGY (Pages 45 - 94)**

(Leisure and Community Services Portfolio Holder) To consider the attached report.

### **11. CALENDAR OF COUNCIL MEETINGS 2015/16 (Pages 95 - 100)**

(Governance and Development Management Portfolio Holder) To consider the attached report.

**12. LOCAL COUNCIL TAX SUPPORT SCHEME (Pages 101 - 248)**

(Finance Portfolio Holder) To consider the attached report.

**13. OVERVIEW AND SCRUTINY (Pages 249 - 250)**

- (a) To receive the report of the Chairman of the Overview and Scrutiny Committee and to answer any questions without notice asked in accordance with Council procedure rule 12.7(b) and 12.9 (a);
- (b) Reports of the Overview and Scrutiny Committee (if any);

**14. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (Pages 251 - 252)**

- (a) To receive the attached report from Councillor H Kane, one of the Council's representatives on the Royal Gun Powder Mill Ltd and to receive answers to any questions on those bodies which may be put without notice;
- (b) Grange Farm Trust report of Councillor M Sartin (to follow); and
- (c) To request written reports from representatives on joint arrangements and external organisations for future meetings.

**15. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
16	Licence Fee for North Weald Market	3

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for

report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

**16. LICENCE FEE FOR NORTH WEALD MARKET (Pages 253 - 254)**

(Assets and Economic Development) To consider the attached report.

## EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

- Committee:** Council **Date:** 4 November 2014
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.50 pm
- Members Present:** Councillors A Boyce (Chairman), Mrs E Webster (Vice-Chairman), R Bassett, Mrs H Brady, W Breare-Hall, R Butler, G Chambers, K Chana, D Dorrell, Mrs R Gadsby, L Girling, P Gode, Mrs A Grigg, R Jennings, Ms H Kane, H Kauffman, P Keska, J Knapman, Ms Y Knight, Mrs J Lea, A Lion, Mrs M McEwen, H Mann, L Mead, A Mitchell MBE, G Mohindra, R Morgan, S Murray, S Neville, J Philip, Mrs C P Pond, C C Pond, C Roberts, Ms G Shiell, D Stallan, Ms S Stavrou, B Surtees, Mrs T Thomas, Mrs L Wagland, G Waller, A Watts, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and N Wright
- Apologies:** Councillors K Angold-Stephens, T Church, J Hart, Mrs S Jones, B Rolfe, B Sandler, Mrs M Sartin, Ms S Watson and S Weston
- Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), R Palmer (Director of Resources), C O'Boyle (Director of Governance), A Hall (Director of Communities), S G Hill (Assistant Director (Governance & Performance Management)), T Carne (Public Relations and Marketing Officer), R Perrin (Democratic Services Assistant), A Hendry (Democratic Services Officer) and P Seager (Chairman's Secretary)
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### 48. WEBCASTING INTRODUCTION

The Assistant Director of Governance and Performance Management reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### 49. MINUTES

#### RESOLVED:

That the minutes of the Council meeting held on 30 September 2014 be taken as read and signed by the Chairman as a correct record subject to the following amendments;

- (a) Councillor Mohindra's apologies;
- (b) The addition of the word 'alleged' before perpetrator in the response to Councillor J H Whitehouse question under Questions by Members Without Notice regarding Safety and Disturbance (minute 39(d)); and
- (c) The addition of a question by Councillor C P Pond regarding parking enforcement at the approach to Traps Hill, Loughton car park under Questions by Members Without Notice (minute 39(h)).

**50. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 16(a), Proposed Development of St Johns Road in Epping, by virtue of being a member of Epping Town Council. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor K Adams declared a personal interest in agenda item 16(a), Proposed Development of St Johns Road in Epping, by virtue of living within St John's Road. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 16(a), Proposed Development of St Johns Road in Epping, by virtue of being a member of Epping Town Council and living within St John's Road. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in agenda item 16(a), Proposed Development of St Johns Road in Epping, by virtue of being a resident of Epping. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue. In addition, the Councillor advised that the personal statement that he had made previously in relation to items concerning the St John's Road development applied.

**51. ANNOUNCEMENTS****(a) Announcements by the Chairman of Council****(i) Events;**

The Chairman reported on some of the events he had attended since the last meeting of the Council. The Council noted that the Chairman had attended many events in the District including the opening of the Eco Shop in Epping, visiting the refurbished village hall in Roydon, a service at North Weald Methodist Church, the King Harold Day in Waltham Abbey, the opening of the MacDonald's double drive through at the Hastingwood roundabout, a visit to the Air Cadets in North Weald, the opening of Citizen Advise Bureau Annual General Meeting, attending the Youth Council Debate, visiting Sheltered Housing in Buckhurst Hill to celebrate a resident's 100th Birthday, attending a County Council Territorial Army event in Chelmsford, making lanterns with Children in the Library at Waltham Abbey and the Chairman's Civic Lunch at North Weald Airfield, including a trip on the Epping Ongar Railway.

**(ii) Floral display**

The Chairman advised that he intended to place the flowers from tonight's meeting in the Epping reception for the benefit of local residents and staff.

**(iii) Former Councillor and Chairman Stephen Barnes**

The Chairman informed the Council that Stephen Barnes had recently been in a serious accident and he had sent him letter on behalf of the Council.



- (iv) Councillor Sandler

The Chairman announced that Councillor Sandler had been in hospital and was currently recovering at home.

**(b) Announcements by the Leader of the Council and Portfolio Holders**

There were no announcements under this heading.

**52. PUBLIC QUESTIONS (IF ANY)**

The Council noted that there were no public questions to be considered at this meeting.

**53. QUESTIONS BY MEMBERS UNDER NOTICE**

The Council noted that there were no Member questions made with notice to be considered at this meeting.

**54. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET**

The Council received written reports from members of the Cabinet.

The Chairman invited the Leader to provide an oral report and other members of the Cabinet to give an oral update.

**(a) The Leader of the Council**

The Leader advised that the Council had recently hosted an initial meeting of the Local Plan "Duty to Co-operate" Board, comprising of our Strategic Housing Market Area (SHMA) partner authorities of Harlow, Uttlesford and East Herts. The meetings were important going forward, particularly as it was anticipated that the Council neighbours may potentially need to accommodate some of the future growth.

The Leader reported that he had attended the Essex Leaders meeting and received a number of updates on the joint work that was being undertaken across the Essex Districts, where a topical discussion was had about the potential devolution of powers and responsibility for local authorities following the Scottish Independence Referendum.

Finally, the Leader advised that he had been invited to the Youth Conference, which was attended by all the Districts secondary schools and Epping Forest College. He had sat on the question time panel where young people had been discussing a range of social issues, including bullying, alcohol and drug use.

**(b) Planning Policy Portfolio Holder**

Councillor Bassett advised that a member's update session for the Local Plan regarding the Population Projections, Strategic Marketing Assessment for housing and the Economic Study was being held on Monday 10 November 2014 at 5.30 – 7 pm before the Overview and Scrutiny Committee.

**(c) Safer, Greener and Transport Portfolio Holder**

Councillor Waller brought the Council's attention to the Big Community Switch scheme, which was referred to in his written report.

**55. QUESTIONS BY MEMBERS WITHOUT NOTICE****(a) Probation Services**

Councillor Surtees asked whether the Portfolio Holder for Safer, Greener and Transport agreed that the Community rehabilitation and Community Payback services had provided a high quality supervision of offenders and many hours of unpaid work to the benefit of the community; and whether the continuous and continuity of the services in the District would continue with the new providers in February 2015?

Councillor Waller advised that the probation services were currently going through great change and challenges with a split of services between the more serious offenders being dealt with nationally and a more local level working with the Community Safety Partnership Team.

**(b) Waste Contract**

Councillor C C Pond advised that with the Waste Contract changing hands this week, he thought that the Council should thank Sita for the service they have provided over their contract period?

Councillor W Breare-Hall advised that he had thanked Sita for the service they had provided over the last 7 years and he would pass on the Council's thanks but he was confident that following the competitive process to procure the Waste Service, Biffa would be even better.

**(c) Housing Shortage**

Councillor D Dorrell enquired whether the Planning Policy Portfolio Holder would consider a suggestion to deal with the housing shortage by building on golf courses.

Councillor Bassett advised that any planning application would be considered by the normal methods.

**(d) Planning Policy**

Councillor J H Whitehouse asked the Planning Policy Portfolio Holder about the recent training he had attended regarding producing Local Plans with a planning inspector and what issues were raised from these sessions that would concern the Council?

Councillor Bassett advised that he had discussed issues with other authorities and whether they were experiencing the same problems. He advised that they had spoken with the Planning Inspector and asked about the consistency of the Inspectors and their training with the new guidance. He had passed on this information to the Forward Planning Team.

**(e) Food bank**

Councillor S Murray asked the Leader of the Council if he thought the voluntary section of the community provided a valuable service; whether he would congratulate the Waltham Abbey Church Community in creating the second food bank in the District; and congratulate the Loughton Food Bank for a community award recently

received and the 350 adult and 140 children food parcels they have handed out since April 2014?

Councillor C Whitbread thanked the voluntary sector for providing an excellent in service especially in times of need. He congratulated the Loughton food bank for their services and Waltham Abbey church community for setting up the food bank.

(f) Duty to co-operate

Councillor Wixley asked the Planning Policy Portfolio Holder why not all the local authorities bordering this authority attended the "Duty to Co-operate" Board meeting and were they likely to in the future?

Councillor Bassett advised that he had spoken to the authorities in the local SHMA and surrounding area, whilst also attending other separate meeting regularly, as it proved difficult to sometimes get all authorities together.

(g) NEPP CCTV Car

Councillor Girling asked the Safer, Greener and Transport Portfolio Holder whether a time frame had been advised for the repair of the NEPP CCTV car and whether the car had been replaced with Civil Enforcement Officers because of concerns raised by a recent accident outside Hereward Primary School, Loughton.

Councillor Waller advised that it should be returning shortly although the company who supply the service to NEPP were resolving some issues with the instant relay of images back to Colchester. He asked any Members to advise of locations that were having problems, so that he could liaise with NEPP.

(h) Green Belt

Councillor Wagland asked the Planning Policy Portfolio Holder if the 'Lessons to be learnt' documents could be circulated to members and a note of the cases in relation to the protection of the green belt, including that the housing supply shortfall would not be treated be as exceptional circumstances for granting applications whilst the local plan process was being dealt with?

Councillor Bassett advised that he would circulate the information to Members.

(i) Highways Works

Councillor J M Whitehouse asked the Safer, Greener and Transport Portfolio Holder where any further consideration had been given to extra funding for Highways in conjunction with Essex County Council funding?

Councillor Waller advised that no decision had been made at this time.

**56. MOTIONS****(a) Street Lighting****Moved by Councillor Murray and Seconded by Councillor Gode**

"This Council notes;

that many 100's of local residents are currently having to walk to underground stations and bus stops without street lights before 6.00am in the morning; and

This Council resolves to:

To ask Essex County Council to consider a switch on of the street lights by 5.00 am in the morning. (making the general switch of between 1.00 am and 5.00 am) therefore allowing Epping Forest residents to catch the early morning buses and trains with the aid of street lighting."

**Amendment moved by Councillor Waller and seconded by Councillor Knapman**

"That the words " this Council resolves to ask Essex County Council to consider a switch on of the street lights by" be deleted and substituted for "This Council warmly welcomes the decision of the County Council to switch the street lights on at"

**Carried**

**Motion as amended ADOPTED****RESOLVED:**

"That this Council warmly welcomes the decision of the County Council to switch the street lights on at 5.00 am in the morning. (making the general switch of between 1.00 am and 5.00 am) therefore allowing Epping Forest residents to catch the early morning buses and trains with the aid of street lighting."

**57. REPORTS OF THE CABINET****(a) Supplementary funding for the procurement and appointment of Marketing Agents to seek an Operational Partner to manage the aviation activities at North Weald Airfield.**

Councillor Grigg presented a report seeking supplementary funding from the District Development Fund for the procurement and appointment of Marketing Agents to seek an Operational Partner to manage the aviation activities at North Weald Airfield.

The Portfolio Holder advised that a supplementary estimate from the District Development Fund for £60,000 was required for the Marketing Agent.

**Report as first moved ADOPTED****RESOLVED:**

That the supplementary estimate from the District Development Fund for £60,000 be approved.

**(b) Treasury Management Strategy Statement 2014/15 to 2016/17 Amendment.**

Councillor Stavrou presented a report seeking the amendment of the Treasury Management Strategy Statement for 2014/15 to 2016/17 to permit lending to service providers that the Council were in a contractual relationship with.

Report as first moved **ADOPTED**

**RESOLVED:**

That the Treasury Management Strategy Statement 2014/15 to 2016/14 be amended to permit lending to Service Providers that the Council is in a contractual relationship with.

**58. OVERVIEW AND SCRUTINY**

**(a) Report of the Chairman of the Overview and Scrutiny Committee**

The Council received a written report from Councillor Morgan, the Chairman of Overview and Scrutiny Committee. Councillor Morgan advised that a representative from Essex County Council, Chris Martin, Integrated Commissioning Director (West), was coming to speak to the Overview and Scrutiny Committee on Monday 10 November 2014. He would be talking about Children Services in the County and their current commissioning intentions for young children based upon an Early Years review they had completed.

Councillor Morgan noted Councillor Wagland's comments regarding a Task and Finish Panel's work on Children's Services and undertook to forward the information to the relevant officers.

**59. APPOINTMENT TO LICENSING COMMITTEE**

The Council received notification of a change of membership for the Licensing Committee for the remainder of the current municipal year.

**RESOLVED:**

That Councillor K Adams replaces J H Whitehouse on the Licensing Committee for the remainder of the current municipal year.

**60. LEADER DECISION - COUNCIL HOUSEBUILDING CABINET COMMITTEE**

The Council noted a decision taken by the Leader of the Council to amend the terms of reference of the Housebuilding Cabinet Committee, to appropriate Council-owned land, held for housing purposes and identified for Council house-building for planning purposes under provisions laid out in Section 122 of the 1972 Act and Section 226 (1) (a) of the 1990 Act on the grounds that the land is no longer required for the purposes for which it is currently held in the Housing Revenue Account.

**61. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

**(a) Roding Valley Meadows – Local Nature Reserve**

Councillor Murray advised that the Warden, Patrick Bailey was leaving after 9 years of service at the Nature Reserve. He wanted to acknowledge his service, dedication and his involvement of the voluntary workers.

- (b) Grange Farm Trust

Councillor Knapman asked that a report be made by the representative from the Grange Farm Trust for:

- (a) updates on their financial and working relationship with Colebrook Royals; and
  - (b) updates on where the grants for local communities had been received in the District.
- (c) Citizen Advice Bureau (CAB)

Councillor Shiell advised that following the demolition of the CAB office in Hemnall Street, Epping a temporary office had been found at the Epping re-use centre until the new offices were completed in 2015. She advised that the Loughton CAB office at St Mary's Church was also to be demolished and this could be as early as summer 2015. She also offered her congratulations to advisors, who had achieved high marks on the Quality of Advice and Assessment Awards.

## 62. EXCLUSION OF PUBLIC AND PRESS

### RESOLVED:

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No Number</u>	<u>Subject</u>	<u>Exempt Information Paragraph</u>
16	Proposed Development of St Johns Road, Epping	3

## 63. REPORT OF THE CABINET

Councillor Grigg presented a report seeking a supplementary Capital estimate for the proposed development of St Johns Road, Epping.

Report as first moved **ADOPTED**

### RESOLVED:

That a supplementary estimate from the Capital programme for £1 million for the purchase of Essex County Council's land interest in the development site at St John's Road, Epping be approved.

**CHAIRMAN**

## ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Assets and Economic Development

**Portfolio Holder:** Councillor A Grigg

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**Recommending:**

**That the report of the Assets and Economic Development Portfolio Holder be noted.**

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### **Estates and Valuation**

#### North Weald Airfield

Following Cabinet approval last month, agents have been appointed to seek a commercial partner for the operational management of the airfield. Marketing will commence in January next year.

#### Leader Lodge, North Weald

Following a successful marketing exercise, I am very pleased to report that the exchange of contracts has taken place for the sale of Leader Lodge for £652,001 and that completion is set for 11<sup>th</sup> December. Proceeds from the sale of this residential property will be used to help fund the Council House Building Programme.

#### Epping Forest Shopping Park, Langston Rd, Debden

Progress continues on the redevelopment of Langston Rd Depot. The full consultants' team has now been appointed to work up the design and render the construction. The structure of the joint venture development with the adjoining owner will have been considered by Cabinet on the 15<sup>th</sup> December 2014.

#### New Depot - Oakwood Hill, Loughton

The specification for the new depot is now agreed and again a report will be brought before Cabinet this month to approve the scheme, funding and proceeding to tender for its construction. Completion of the new building is scheduled for autumn 2015.

#### Pyrles Lane Nursery, Loughton

We are aiming to re-submit an amended planning application for residential redevelopment later this month in order to sell this site, which will be vacated when the new depot is complete.

#### St John's Road Site Epping

Discussions are on going with the County Council and I will give an oral update if possible

## Public Conveniences

The old facilities in Bakers Lane car park, Epping have been refurbished and transferred to the Town Council, allowing the automatic conveniences to be relocated to Buckhurst Hill Station to replace the outdated model, saving the Council £19,000 p.a. paid to the convenience operator

## Waltham Abbey Town Hall

After many years of failure to reach agreement, I am pleased to say the ownership of the Town Hall has transferred to the Town Council, who are now responsible for its upkeep.

## **Economic Development**

Economic Development Priorities and Plans - The studies of Waltham Abbey looking at the Town Centre, transport connections, tourism and unemployment are nearing completion. It is intended to identify the main areas of concern and what will be possible to address them. We will move forward in this work on to Epping and Ongar initially and then more widely, as well as district wide plans such as food production and industry.

In response to a question raised at the last meeting of the Asset Management & Economic Development cabinet Committee, an overarching document has been developed to set out the framework in which we are developing our Economic Development Plans and how these will contribute towards the development of an Economic Development Strategy.

Heritage Lottery Funding - An officer visit to a HLF presentation was undertaken by an Economic Development Officer and the Conservation Officer. This enabled the team to learn some best practice on submitting a successful bid but also to talk to both HLF and Bedford Borough Council about their projects and get advice on the submission of a bid for Waltham Abbey. HLF positively encouraged us to submit a pre-application enquiry, which is hand. Another officer working group meeting is planned to discuss where we are in the light of the advice received and what will be the most effective steps to take next.

Tourism - A Tourism Development Manager has now been appointed and the Economic Development Team will work with him wherever possible to promote the District's visitor economy.

Access To Funding Roadshow - In conjunction with the Essex Innovation Programme, we hosted an Access to Funding Roadshow at the Civic offices on November 17<sup>th</sup>. This brought together a number of key funding exhibitors, including Eastern Plateau, NWES, Growth Accelerator, Foundation East, UKTI, MAS and DWP as well as a number of further and higher education establishments to present some of the funding opportunities which exist for businesses in our district. The event attracted a range of businesses from the district and many useful introductions, conversations and links were made.

Business support – At the time of writing this report a further edition of the One Business Briefing is being produced and it is hoped that it will have been published and distributed by the time of the meeting. It will be promoting current sources of funding for businesses, events, news and updates from EFDC and partners. We are supporting a business needs survey being conducted by ECC across the County



funded through SELEP. We are expecting results in December 2014, including a report focused on Epping Forest district alone. This work will then help to inform the Growth Hub business support service that is set to be operational in the new financial year. The results of the survey will be reported to Committee for discussion. We are pleased to be providing support, largely in marketing terms, to a series of business briefing events in the New Year being delivered by Epping Forest College and Productions, a business improvement specialist.

Working with Essex County Council – We have agreed to establish a quarterly meeting schedule with key members and officers at EFDC and ECC to discuss economic development matters. The first of these meetings is scheduled for mid January 2015. ECC has recently briefed us on its Economic Growth Fund for 2015/16 which in outline provides funding for early stage schemes which have the potential to create significant jobs and/or houses and we are raising this with EFDC officers as appropriate to take forward.

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# ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Environment

**Portfolio Holder:** Councillor W Breare-Hall

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## **Recommending:**

**That the report of the Environment Portfolio Holder be noted.**

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## **Waste Management**

1. I am pleased to inform Members that the handover in November of the waste management contract, from Sita to Biffa, went smoothly, with collection and street cleansing services continuing as before.

2. The next phase is the relocation from Langston Road Depot to Biffa's two depots in: Waltham Cross and Edmonton. This is planned for March 2015. It will be followed by the introduction of a four day (Tuesday to Friday) collection service in 2015. I would like to remind Members that, whilst the collection arrangements will not change, some residents will have a change in their collection day. It is essential that residents are fully informed of these changes so I have asked officers to prepare a detailed communication strategy and publicity campaign. I shall be keeping Members updated on further developments.

## **Flooding and Drainage**

3. Prolonged rainfall in the eastern region on Sunday 23<sup>rd</sup> November gave rise to a small number of localised incidents in the District. The Council's Duty Officer responded to a number of calls from residents affected by localised flooding. Fortunately there were no incidences of internal property flooding but the event served as a timely reminder, especially in the run up to what many are predicting will be a wetter than average winter, that all residents and businesses in the District need to consider their own situations and take steps to ensure that, in the event of flooding, they will be prepared.

4. With the above in mind, Officers are ensuring that the Council's own drainage assets are as prepared as they can be for the winter, and response plans, developed in conjunction with their Emergency Planning colleagues, are in place.

5. The Council's flood storage area at Thornwood Common again served to provide protection for downstream properties on the 23<sup>rd</sup>, and the newly installed telemetry and camera facilities enabled officers to remotely monitor the water levels. The installation of this new equipment is part of an improvement programme for the flood defence assets that the Council took over from the Environment Agency. The next stage will include installation of similar equipment at Thornhill in North Weald, where new equipment is due to be commissioned by the end of the year.

## **Noise abatement notices**

6. Noise abatement notices have recently been served on the occupiers of a residential property in Queens Road, North Weald, to control excessive disturbance from renovation/DIY work on the householder's property.

7. Despite attempts to resolve the matter informally, the duty noise officer witnessed noisy work taking place after 9pm on a Sunday evening. Noise abatement notices have now been served on the occupiers to control the future level of disturbance to a reasonable level. The notices are still in a period when an appeal may be received.

8. Similarly, a noise abatement notice has been served on a resident of Copperfield, Chigwell, to control noise from music and amplified sound.

## **Fly-tipping**

9. Incidents of fly-tipping in remote areas continue to be a problem, with little chance of catching the fly-tipper in the act. The Environment and Neighbourhoods (EN) team are keen to use the full range of powers available to investigate incidents and follow up on any evidence found in the fly-tips.

10. However, it is often difficult to go any further with tracing the fly-tipper if the person who produced the waste failed in their duty of care and did not check and record the details of the person they gave their waste to.

11. The EN team are keen to encourage anybody who disposes of waste to take responsibility for handing it to an authorised waster carrier, thus reducing the chances of that waste getting into the hands of rogue traders who fly-tip for profit. Articles have previously been publicised in The Forester magazine and One Business briefing and officers are now in the process of designing a leaflet to promote compliance with the duty of care, to encourage residents to carry out some simple checks and record who they give their waste to.

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Finance

**Portfolio Holder:** Councillor S Stavrou

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**Recommending:**

**That the report of the Finance Portfolio Holder be noted.**

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## **Accountancy**

The publication deadline for this agenda requires this report to be written before the Chancellor's Autumn Statement on 3 December and the date of the meeting itself is before our grant figures are likely to be confirmed. Recent economic data has shown ongoing stresses in the overall public finances and it is unlikely that we will see any easing of the funding reductions for local government. If there is either something of particular significance in the Autumn Statement or our grant figures appear earlier than anticipated I will provide an oral update.

The Accountancy section is always busy at this time of year working on the budget and this year they have to adjust for phase two of the restructure and produce the budget in the amended four directorate structure. The broad assumptions and allocations necessary last year to produce the first budget in the new structure are being revisited. Until the process is complete I do not want to say too much but it is likely that there will be fluctuations between the original and revised estimates as the new structure settles down.

## **Benefits**

Later on the agenda we have the Council's scheme for Local Council Tax Support for 2015/16. This is similar to the scheme that has been in place for 2014/15. As the current scheme is working well so far, Cabinet on 1 December decided against any significant changes.

As part of the scheme for 2015/16 we looked at the possibility of a residency qualification but had to think again when a qualification of this type at another authority was ruled ultra vires in the High Court.

Due to the changes being introduced by the Department for Work and Pensions, to consolidate the investigation of Housing Benefit fraud under a Single Fraud Investigation Service, it has been necessary to restructure the Benefits Division. This is also being considered by Cabinet on 1 December and should put the Division on a sound basis to continue the good work it does for our residents. A further review will be needed when Universal Credit eventually replaces Housing Benefit but that is still some way off in the future.

## **Revenues**

At Cabinet on 3 November, the previous in principle decision to enter a pool for business rates for 2015/16 was confirmed. Not all of the eligible authorities in Essex decided to join the pool but ten have. The outcomes from the pool will be determined by how the economies of the participating districts perform during 2015/16. If current economic trends continue there should be some growth within the pool. Although it is worth highlighting that the financial modelling undertaken shows a benefit in excess of £3 million across the pool even with no growth. Our share could be approximately £100,000 but as this is not certain and we always take a prudent view on potential income it will not be included in the budget for 2015/16.

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Governance and Development Management

**Portfolio Holder:** Councillor J Philip

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**Recommending:**

**That the report of the Governance and Development Management Portfolio Holder be noted.**

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## **1. Internal Audit**

The Audit Charter, which was approved by the Audit and Governance Committee in September 2014, includes in the Roles and Responsibilities of Audit, "Advisory Activities". These are achieved via consultation to identify reviews at the request of management that add value and improve governance, risk management and control processes and support management in their work.

This activity involves using either contingency time within the audit plan, or the rescheduling of planned audits by bringing them forward in the year to enable any benefits identified to be brought into action at the earliest possible date.

Audit have recently completed a review of the processes within Facilities Management, requested by the Assistant Director (ICT) in which a number of improvements were identified, including a reporting process from the Marketplace system, to enable early identification of expenditure to suppliers which could exceed Contract Standing Orders financial limits and may not be subject to the correct level of testing for value for money.

A further review is currently in progress of the processing and monitoring of utilities invoices. This follows concerns raised to Internal audit by staff in the Governance Directorate.

## **2. Online Communications**

As many residents adopt new channels of communication geared towards 24/7 access, Epping Forest District Council has introduced additional ways of communication. Unlike traditional media, the new forms of media are increasingly interactive, providing the Council with the opportunity to listen to our residents as well as talking to them.

Social media is a particularly strong growth area with our residents choosing to access more of their information and ask for more customer services via a range of channels. Council staff began unofficial out-of-hours social media monitoring and response in 2010. Christmas and New Year was covered for the first time in 2013. Formal out of hours monitoring and response was introduced earlier this year. Online and social media is managed predominantly by the Council's Public Relations Service. The North Weald Airfield Operations Team contributes significantly to the Council's output. The Museum Service has also significantly increased its social media coverage.

Twitter and Facebook form the main focus of social media customer comments and enquiries requiring rapid response. Many customer service issues can be dealt with by directing the resident to more comprehensive online information available through the Council website. Service requests can also be referred directly to directorates for action the following day. Misinformation and reputational issues can be picked up early to enable the Council to provide accurate information.

Other forms of online and social media are achieving significant expansion. The Council has incorporated YouTube and Flickr video and photo sharing services very effectively into its online services. It has also experimented with Pinterest and Instagram. It is important to keep new social media platforms under review to ensure we continue to focus our efforts where our residents lead.

Social media is often used as a signpost to new information as it becomes available on the Council website. News items (most of which are also issued to the traditional media as news releases) published on the Council website are always linked to by Twitter and Facebook. Webcasting of council meetings is well integrated into system. Council, Cabinet and Overview and Scrutiny webcasts are integrated into regular news items. With planning meetings, these webcasts are also promoted through the committee management system and social media. ContactUs, the Council's generic email address commonly used in conjunction with the Council website received 4,080 customer service emails (excluding spam) from 19Feb14 to 17Nov14. Other email addresses such as Erefuse, also receive significant levels of customer service requests.

The following table provides a statistical summary of social online communications:

<b>Twitter and Facebook</b>		<b>Followers</b>	<b>Following</b>	<b>Tweets</b>	<b>Facebook Likes</b>
Epping Forest District Council  @eppingforestdc	19Feb14	3,246	857	3,507	1,101
	17Nov14	4,189	1,005	5,804	1,208
	Increase	29%	17%	65%	8%
Other Council Twitter and Facebook Accounts	19Feb14	1,357	970	2,643	1,365
	17Nov14	2,913	1,919	6,338	3,525
	Increase	14%	97%	129%	158%
Twitter and FB Accounts Combined	19Feb14	4,603	1,827	6,150	2,454
	17Nov14	7,102	2,924	12,142	4,733
	Increase	54%	60%	97%	93%
<b>Flickr</b>			<b>Viewed</b>	<b>Comments</b>	
@eppingforestdc	19Feb14	1,426 photos	200,895 times	11 - 48 fav	
	17Nov14	3,584 photos	471,025 times	15 - 63 fav	
	Increase	2,158	270,130		



<b>Twitter and Facebook</b>		<b>Followers</b>	<b>Following</b>	<b>Tweets</b>	<b>Facebook Likes</b>
<b>YouTube</b>		<b>Videos</b>	<b>Views</b>	<b>Subscribers</b>	
@eppingforestdc	19Feb14	85	28,429	30	
	17Nov14	117	40,411	41	
	Increase	32	11,982	11	
<b>Blogs</b>		<b>Views</b>			
Chairman of Council		3,982			
North Weald Airfield Community day		15,654			
Epping Forest District Museum		2,345			
<b>Website News Releases (Wordpress)</b>		<b>Published</b>	<b>Pages views</b>	<b>Average views per news item</b>	
	19Feb14	2,002			
	17Nov14	2,212			
	Increase	210	223,243	1,063	

### 3. Equalities

Equalities provision is not always about the big projects and large costs. Some cross directorate cooperation has led to a positive outcome in relation to provision of baby changing facilities for visitors to the Civic Offices. The cost of major works to the ground floor toilet facilities was prohibitive – but the first floor toilet (opposite Human Resources) can be accessed by the public via the lift and for approximately £300 a baby changing unit could be bought and fitted. Budget has been identified and the work added to the Facilities Management programme.

### 4. Development Management

Building Control continue to show good progress with current income, at month eight, £13,800 above budget.

Development Control continues to show a performance well above budget with income for each of the last five months above the three year average for each of those months. The total number of all planning related applications continues to be around 300 up on this time last year.

Two significant major planning applications have recently been submitted for consideration. These are as follows:

#### Land at Harlow Gateway South, London Road, Harlow

This is a hybrid application (EPF/2517/14) for: 1. Part full planning permission for development of Plot A of site for B1 (business) and B8 (storage and distribution)

purposes by C.J. Pryor Ltd and 2. Part outline planning permission for use of Plot B -E for B1 (business) and B8 (storage and distribution) purposes with all matters reserved save for access.

This planning application is linked to enabling development applications for 9 residential units (EPF/2516/14) at Foster Street Farm, Foster Street, North Weald and a development of 65 residential units (EPF/2518/14) at C. J. Pryor, Cecil House, Foster Street, North Weald. All three sites are in the Metropolitan Green Belt.

#### Land and garages off Burton Road, Loughton

This is a full planning application for 52 affordable dwellings and is Council owned land which includes redeveloping the Burton Road depot site.

It is anticipated that these planning applications will be reported to relevant planning committees in the early part of the New Year.

Finally, Lee Valley Regional Park Authority have been granted permission to judicially review the planning permission at Valley Grown Nursery, Paynes Lane, Nazeing for a proposed large glasshouse extension, creation of storage ponds, together with habitat enhancement and landscaping and installation of combined heat and power unit. Planning permission was granted in August 2014 and the challenge is on Green Belt openness grounds. We have sought a legal opinion and the advice is that the Council's decision is defensible and therefore we should fight the judicial review, which may have cost implications.

# Report to the Council

Committee: Cabinet

Date: 16<sup>th</sup> December 2014

Subject: Housing

Portfolio Holder: Councillor D Stallan

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Recommending:

That the report of the Housing Portfolio Holder be noted.

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## Council Housebuilding Programme – Ground Breaking Ceremony



A “ground breaking” ceremony was held on Friday 13 November to mark the start of the Council’s new Housebuilding Programme. The ceremony was held at Harveyfields in Waltham Abbey, which is one of four sites making up the first year (i.e. Phase 1) of the Programme.

Eleanor Laing MP marked the start of the Programme by demolishing part of the garage block that will make way for 9 new affordable homes. The Chairman of Council, as well as the Leader, local Ward Councillors and the Council’s partner organisations working on the project (East Thames, Pellings and Broadway Construction) also attended to

mark this occasion. A photographer was on hand to capture the event and a Media Release was issued.

The 23 new homes, forming Phase 1 of the Housebuilding Programme, are scheduled for completion in December 2015.

### **Council Housebuilding Cabinet Committee**

The Council Housebuilding Cabinet Committee has been meeting regularly to monitor progress, and met recently in October and November - and will meet again on 18<sup>th</sup> December - to consider a number of individual feasibility studies for various sites across Loughton, Buckhurst Hill, Epping and North Weald.

The sites that are being considered are all from the original list of 65 sites approved by the Cabinet in July 2012, and at this stage are only being considered by the Cabinet Committee to determine whether or not they are viable schemes to proceed to the next stage - which is for the sites to be packaged and submitted for planning approval at some point in the future, in accordance with the Cabinet's agreed policy on the prioritisation of sites.

I would like to remind Members that all decisions relating to the Council Housebuilding Programme are reached in open public session, with all decisions and minutes publicly available to download. I would also like to remind Members that, when the feasibility study for each site is considered, the local Ward Councillors are invited to participate in the discussions associated with that site.

### **Review of the Housing Allocations Scheme and Tenancy Policy**

At its meeting on 21 October 2014, the Housing Scrutiny Panel reviewed the Council's Housing Allocations Scheme and Tenancy Policy, which were introduced in September 2013.

The main issues reviewed were:

- The Residency Criteria for joining the Councils Housing Register, including whether or not the minimum period of residence should be increased to 5 years;
- Whether there should be any exceptions to the Residency Criteria, particularly for those in work in the District or seeking work or long-term training;
- Whether the financial thresholds for excluding applicants from the Housing Register due to their income and/or assets should be lowered and, if so, to what level;
- Whether the penalties for refusals of offers of accommodation should be strengthened;
- Increasing the incentives to encourage under-occupying Council tenants to downsize; and
- Whether Flexible (fixed-term) Tenancies, currently granted for new lettings to Council properties comprising 3 bedrooms or more, should be extended to all sizes of property

The Housing Scrutiny will now be reporting the outcome of its review and its recommended changes to the Cabinet early next year.

In the meantime, a revised Housing Allocations Scheme and Tenancy Policy based on the Housing Scrutiny Panel's recommendations has been reviewed by an external Legal Advisor, in order to confirm that the proposed changes meet legal requirements; this

process has identified some required changes, which officers are currently considering and will be reported to the Cabinet.

A consultation exercise is currently underway with all interested partner agencies, including local councils, the Tenants and Leaseholders Federation and other Registered Providers of Housing within the District. The outcome of the consultation exercise will also be considered by the Cabinet.

### **Revised Planning Policy Guidance – Provision of affordable housing on small sites**

On 28<sup>th</sup> November 2014, the Government published its response to its consultation on “*Planning Contributions (Section 106 planning obligations)*” proposals. At the same time, the Government updated the relevant sections of the Planning Practice Guidance (PPG).

The changes to the PPG mean that, due to what the Government considers to be the disproportionate burden of developer contributions on small-scale developers, councils are no longer able to seek any affordable housing, or financial contributions in lieu of on-site affordable housing provision, on developments comprising 10 homes or less, and which have a maximum combined gross floor space of 1,000 square metres.

The exception is for designated rural areas, (as defined by Section 157 of the Housing Act 1985), where local authorities may choose to implement a lower threshold of 5 homes or less, beneath which affordable housing cannot be sought. However, in such cases, for developments of 6-10 homes, only a financial contribution for affordable housing elsewhere can be sought (once all the homes have been built), not the provision of affordable housing on-site.

A financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development, must be deducted from the calculation of any affordable housing contributions sought from relevant development schemes. This will not however apply to vacant buildings which have been abandoned.

However, these changes in national planning policy do not apply to “Rural Exception Sites” which, subject to their being a demonstrable local need for affordable housing, remain available to support the delivery of affordable homes for local people.

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## ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Leisure & Community Services

**Portfolio Holder:** Councillor H Kane

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### **Recommending:**

**That the report of the Leisure and Community Services Portfolio Holder be noted.**

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### **Community Services:**

#### **Inclusive Projects:**

1. Epping Forest Inclusion Project, working in conjunction with the local primary schools South Local Delivery group, have been successful in securing £7,825 from Essex County Council, to fund a pilot primary schools programme for selected pupils. This will be delivered in 10 local primary schools, over a 10 week period during curriculum time. The programme will provide an alternative learning environment for selected pupils from Year 3-4 who are identified as having ADHD, ESB, Dyslexia and a range of other additional needs. Weekly sessions of one hour duration, will be delivered by the Epping Forest Inclusion Officer, supported by a Teaching Assistant. The sessions will include theory & physical activities (30mins of each) and pupils will produce/complete a portfolio of work.

2. The aim of the project is to:

- Improving the health and wellbeing of the pupils
- Support their emotional and social development
- Highlight the pupils' strengths and capabilities
- Develop confidence building skills

3. The Council is also launching a brand new project for people with disabilities aged 14 and over, called 'Six for All'. 'Six for All' is being funded by Sport England and aims to get disabled people more active. Working with local sports clubs in six different sports, the project aims to increase the number of sporting opportunities around the district, by increasing the number of disabled people being more active and up-skilling volunteers, participants and coaches by running a number of workshops and courses. Over the next three years, 'Six for All' will target local clubs offering Table Tennis, Trampolining, Swimming, Judo, Boccia and Athletics.

#### **Norway House Art Project:**

4. Over the last six months, Community Arts has worked with residents and staff at Norway House in North Weald, to develop a beautiful mural on a wall in the resident's main lounge area. The mural depicts the history of Norway House when it was an Officers Mess during the Second World War and the lives of the residents who live there. A series of workshops were held with children, young people and their families over the six month period and the residents were supported in designing and developing a mural consisting of

photographic and hand drawn images. The backdrop of the mural is a photograph of a tree canopy in Rough Talley's Wood, taken by a six year old child who previously lived at Norway House. Overlaid on top of this, are a range of parachutes and aircraft, along with translucent images of words of residents, about their feelings of living in a homeless hostel. The Chairman of Council unveiled the mural on 20<sup>th</sup> November, in the company of the staff from Norway House and the residents that were involved and I would encourage any Members to arrange to see this wonderful artwork, which will be added to, as new residents find themselves living at Norway House.

#### **Essex Artists Residences in the District:**

5. The Council has been successful in securing funding from Essex Network of Artist's Studios, for two artist residencies in the district, by. The Artists, who are to be selected in January, will develop pieces of artwork that will be displayed locally in Autumn 2015. Where and what they produce will depend on what the artist submissions are, but it is thought that they may develop public Realm work.

#### **Lowewood Museum 'Takeover Day':**

6. As part of the national Children's Commissioner's Takeover Day, students became curators for the day when they took over the running of Lowewood Museum in Hoddesdon, which is managed by the Council. Broxbourne School students spent two days at the museum learning about marketing, conservation and all the behind-the-scenes work at the museum before taking the reins and running the place themselves on Friday November 21.

7. They ran activities for pupils of Westfield Primary School and invited guests to participate in activities based around the 1660s, 1860s and 1960s. Visitors were challenged to identify by touch alone what toys and decade were in a selection of boxes and there was a demonstration of how to handle and conserve artefacts. The youngsters from Westfield also had a taste of Victorian schooling run by the students.

#### **Good Neighbour Scheme:**

8. Residents living in Oakwood Hill, Loughton and Shelley in Ongar, were invited to come together, to make these areas a great place to live. Council staff visited properties in the two focus areas and spoke to residents about the Good Neighbour Scheme, which aims to link people together to help support each other and reduce isolation and loneliness. To encourage residents to take part, an incentive of receiving a £5 Sainsbury's voucher was on offer, for anyone signing an official pledge to do a good deed for a neighbour. The types of good deed which people signed up to included helping neighbours with garden work, popping in for a cup of tea and a chat and picking up shopping once a week for those unable to get out.

9. This scheme has been developed by Community Services, to help address the nationally recognised problem of loneliness and isolation, which is suffered by thousands of people of all ages across the country.



## ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Planning Policy

**Portfolio Holder:** Councillor R Bassett

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**Recommending:**

**That the report of the Planning Policy Portfolio Holder be noted**

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### **Local Plan**

#### **Local Plan timetable/workshops**

The Local Development Scheme agreed by Cabinet in July 2014 proposes that the next stage of consultation on the draft plan/preferred option is to run in the summer of 2015. This would be followed by analysis of the responses and the preparation of a pre-submission plan for publication in early 2016.

A series of three member workshops, organised on an Area Planning Committee basis, were held in September/early October to further involve members in the process of identifying options to be tested. A similar session was held for officers within the Council on 17 October 2014 as part of the ongoing work of the Officer Working Group. A summary note will be sent to all members on the outcomes of the workshops shortly.

#### **Update on key evidence work**

**Strategic Housing Market Assessment update:** One of the key pieces of work is an update of our Strategic Housing Market Assessment (SHMA) in conjunction with the other authorities within our Housing Market Area: East Herts, Harlow and Uttlesford. A draft report with the emerging findings was received by SHMA District Members at the end of October and we are still to receive a final report. However following this and a meeting to discuss some of the economic trends it has been decided to commission a small piece of additional work is to be undertaken to ensure that the economic activity scenarios match with the appropriate job growth projections for each District. This has become an increasingly important issue with Inspector's questioning the relationship between the housing need evidence in the SHMA and employment forecasts.

**Economic and employment evidence:** Hardisty Jones has provided their interim findings on economic and employment evidence to support both the Local Plan and Council's overall Economic Development Strategy. This will be reported to Cabinet alongside the report on the SHMA.

**Green Belt Review:** The fieldwork for Phase 1 of the Green Belt Review in the District to undertake a comprehensive high-level review of all Green Belt land across the District to identify its contribution to the Green Belt, as stipulated in the NPPF is substantially complete and is being written up. It will identify both the primary functions of the Green Belt, which deliver the national purposes, and identify whether

there are areas of the Green Belt land which no longer contribute towards the national purposes or contribute the least to these. We will be sharing the findings of the Phase 1 review with Cabinet in January 2015. Following this Town and Parish Councils will also have view of the findings in January 2015 in accordance with the Cabinet's decision and the Planning Advisory Service have offered to assist by providing a "critical friend" support session with the Town and Parish Councils. A report to Cabinet in March 2015 is proposed which will also set out the proposed methodology and work programme for Phase 2.

**Strategic Land Availability Assessment:** An update of the Strategic Land Availability Assessment is due to be reported to Cabinet on 15 December 2014.

**Gypsy and Traveller Accommodation Assessment:** The joint Essex-wide Gypsy and Traveller Accommodation Assessment has been completed with officer and member briefings provided by the consultants in July 2014. This has now been reviewed by Cabinet and accepted into the evidence base.

**Duty to cooperate:** Officers have been meeting regularly with the appropriate authorities to consider cross boundary issues including the update to the SHMA and identifying the objectively assessed housing need, the approach to Green Belt reviews being carried out by several authorities, and identifying the functional economic area. The next officer meeting is on 15 December 2014. Following the PAS facilitated member meeting on 15 September a member group met on 20 October 2014. Governance arrangements were agreed including a Chairman until May 2015 who will be Councillor Sue Barker from Uttlesford. Members had a presentation on the emerging findings of the SHMA and following a presentation agreed in principle to support Junction 7a. The next meeting of the member group is being arranged for January 2015 (Uttlesford are providing the administrative support for the member group).

Following the meeting Councillor Whitbread wrote on 27 October 2014 to the Chairman (copied to all other members of the group) to advise that we had concerns that the emerging figure for the Objectively Assessed Housing Need for the SHMA might mean we will be unable to meet our full housing need. This is a precautionary measure in the context of the recent planning practice guidance published on 6 October 2014 which reiterates the advice in the National Planning Policy Framework that local planning authorities should meet objectively assessed needs. Once need has been assessed the authority should take account of any constraints such as green belt which indicate that development should be restricted. The Leader has asked that the next meeting of the Member Board should discuss how the objectively assessed need could be met by the wider SHMA area.

**Neighbourhood Plans:** Moreton, Bobbingworth and the Lavers have now submitted a revised draft Plan following the critical friend advice received from an NPIERS examiner. Officers are currently considering this and undertaking a screening opinion on the requirement for Strategic Environmental Assessment which is a necessary part of the process. We will then need to agree with the parish whether the plan is ready to go for examination. Epping Town Parish was designated by Cabinet on 6 October 2014 as a neighbourhood area for the purposes of making a plan. At that meeting the Cabinet gave delegated powers to the Director of Neighbourhoods in conjunction with the Portfolio Holder to designate future areas subject to the proposal covering the whole parish area and if there were no objections following the consultation period. Buckhurst Hill Parish Council has

recently applied for their parish to be designated, there have been no objections and a delegated report has been prepared. North Weald Bassett Parish has also submitted an application. We have received one comment from the developer of Latton Priory about the area to be designated. As a result we are setting up a meeting with the Parish to discuss. This will then be the subject of a future report to Cabinet.

### **Planning Policy Team staffing**

Appointment has been made to the Planning Policy Manager post and Ken Bean joined the Council on 3 November 2014. The structure of the rest of the team has been reviewed as part of the phase two restructure and is being taken through a job evaluation panel meeting in November.

### **Lea Valley Food Task Force Update**

The partnership has been refocusing its work programme around three work streams.

**Planning policy**, a draft paper has been produced following consultation with neighbouring councils in Broxbourne and Enfield that explores a more coherent and coordinated approach to the glasshouse industry across local boundaries. A workshop with relevant planning officers is being convened to look at how this might be progressed operationally. London Borough of Enfield has confirmed a grant of £10,000 to enable work on this and the projects below to be supported.

**Employment Bridge**, this work stream is exploring ways to ensure that unemployed people in the participating council areas can be supported to access existing jobs in the industry across the Lea Valley area. Negotiations with the Dept of Work and Pensions are at an advanced stage to enable a full time secondment of an officer to One Epping Forest to manage and support this programme across three jobcentres.

**Institute of Food Security**, £20,000 funding from POD West Essex has been secured, with support from Harlow and Uttlesford District Councils, to commission consultants to examine the feasibility/desirability of establishing a research centre of excellence in Lea Valley. The Brief for Consultants is currently being drawn up on behalf of the Task Force by Adap+ based at the University of East Anglia.

**NVQ/Glasshouse/Horticulture Qualification**, the partnership is participating in a national Trail Blazer programme with LANTRA and central government to support skills development in the industry. In addition up to £35,000 from Essex County Council has been identified to potentially support the development locally of new specialised qualification specifically designed around the needs of commercial organisations linked to the industry.

**EU Partnerships**, the Task Force has been recently contacted by organisations representing the growing industry in Holland to potentially participate in a joint approach to EU Funding. This is at a very early stage and officers are currently exploring opportunities and potential benefits to a combined approach.

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## ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Safer, Greener & Transport

**Portfolio Holder:** Councillor G Waller

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**Recommending:** That the Report of the Safer, Greener & Transport Portfolio Holder be noted.

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### **Community Safety**

The Community Safety team continues to evolve, with both Safeguarding officers now working effectively within the structure. Currently safeguarding referrals account for 15 per cent of the 450 cases dealt with by the team.

A recent long standing dispute between neighbours in the Ongar area, which had been acting as a drain on both Community Safety officers and police resources, has finally been resolved with the use of mediation. Since the end of the mediation process four weeks ago, there have been no further calls to EFDC or police. The Council's anti-social behaviour officer worked with private and council tenants, police, EFDC housing management, Ongar Town Council and an independent mediator to secure this positive result.

After receiving complaints concerning anti-social behaviour in and around Council buildings in Ongar, the Community Safety team installed a rapid deployment camera, and within a short period of time a local youth was identified from images recorded. Our ASB Investigator, working with the local policing team, sent a warning letter to the parents of the youth and no further complaints have been received.

The productivity of officers in the Community Safety team continues to improve. CCTV downloads have increased from the same period last year by nearly 19 per cent (185 to 220 cases). There has also been an increase in money generated from insurance company requests for downloads, currently to just over £1000 in the last 11 months. Investigations into anti-social behaviour and the safety of high risk victims of domestic abuse and other crime have increased by 8 per cent (356 to 449 cases).

The Domestic Homicide Review relating to the death of Junella Valentine, who was killed at Waltham Abbey in October 2013, has now been completed, and the Report has been submitted to the Home Office, where it will be assessed by its Quality Assurance Panel. This was a tragic case. I took over the chairmanship of the Review panel following the resignation of the previous Chairman in April this year.

The coming year is likely to be a challenging one for the Community Safety team as the new ASB powers start to be used and refined and our policing partners continue to re-structure. However, I am confident that the team will rise to that challenge and continue to deliver a highly professional service to the residents of the District.

### *Police and Crime Commissioner*

The Essex Police and Crime Commissioner, Nick Alston, is due to launch a new 'Essex Victims Gateway' website shortly. This is designed to provide information to

victims and signpost them towards a range of local support services available to them. The portal is being developed in consultation with the PCC's Victims' Forum, to ensure it meets the needs of victims in the most effective way possible.

## **Safeguarding**

Following appointments earlier this year to new safeguarding roles within the Council, we have for the first time been able to compile accurate statistics relating to incidents concerning children, young people and vulnerable adults throughout the District.

The recent Corporate Safeguarding Group meeting was presented with figures covering the period from June to October this year. I am bound to say I was surprised at the extent of safeguarding issues arising across Epping Forest and feel it is important that members are also made aware.

I can report that during this period of just five months, 47 safeguarding referrals were made by our officers to Essex County Council Social Care Child and Adult Services. Some of these referrals related to adults with serious mental health conditions as well as neglect, and others to physical abuse and neglect of children. There was also a raft of domestic abuse cases. It has been identified by Essex County Council that in the majority of cases where there is neglect and abuse of children, there are also incidences of domestic violence within the household.

In addition to these referrals made by our staff, there is a very high level of domestic abuse cases within the District that are referred straight to the police and to agencies such as Safer Places at Harlow. Unfortunately we are aware that around 650 cases of domestic abuse in the District are reported annually and out of these, a regular 12-14 cases are identified as 'High Risk'.

Members will be aware that the Epping Forest District Community Safety Partnership, which I chair, has had to undertake two Domestic Homicide Reviews in the last two years, so the gravity of the situation should not be understated. Members should be vigilant in their dealings with local residents, as we are under a duty to safeguard the public from harm.

## **Energy efficiency and fuel poverty**

### *Essex Energy Switch*

In my Report to the Council's meeting in November, I gave details of the Essex Energy Switch, promoted by Essex County Council, which we are supporting as partners. This initiative gives householders an opportunity to consider a possible change of supplier for their gas and/or electricity in a way which minimises the risk and is far more likely to see a reduction in their bills. Under the scheme, suppliers will bid for the right to supply those residents who sign up, offering them a better deal on the cost of energy by combining their purchasing power.

The scheme has been open since 3 December, and registration should take place by 2 February 2015, without any obligation at that stage. The auction will take place on 3 February and those who have registered will receive an email incorporating a new gas and electricity offer on 13 February, valid for one month for a decision to be made whether or not to accept it.

The first Essex Energy Switch took place in early 2014, when there were about 4,500 registrations. A third of those accepted the offer made to them, securing an average saving of more than £200 each.

Anyone who is not connected to the mains gas supply can still save money by joining the Rural Community Council of Essex community oil buying scheme.

#### *Protecting vulnerable residents*

The Council's Green Corporate Working Party meeting which I attended on 1 December received a presentation from UK Power Networks, the electricity distribution company for our region. Now that winter is truly with us, their staff will be on high alert to get the power back on in the event of cuts due to high winds or any other cause - a process involving continuous assessment of the weather risk. If and when power cuts take place, a team of 1800 'scouts' will scour the region, carrying out damage assessments and making safe, ahead of the engineers whose job is to restore power.

UK Power Networks have also recently launched an initiative addressing fuel poverty, and have held a series of young carers' workshops, with over 90 per cent positive feedback. They will shortly be rolling out a programme of community surgeries to help residents who have particular problems relating to energy.

#### **Countrycare**

During November Countrycare started work at Wormley Primary School, working with staff and pupils to create a Forest Schools area around the edge of the playing field. This consisted of team activities for the staff including building a bridge, balance boards, a bird feeding area and stag beetle habitat. Eventually this will all make up a wildlife and sensory trail for the pupils for use in lessons. Countrycare has since been in to the school to plant 500 trees with 60 pupils from year 5, to create a hedgerow along the northern boundary of the playing field.

Countrycare has also planted a ginkgo tree at Weald Common Local Nature Reserve to replace a dead one, which has been left in place as standing deadwood for wildlife.

Meanwhile, a full programme of well attended weekly volunteer days has continued. As part of an agreement with Sheering Parish Council, Countrycare volunteers have spent two days at Sheering Copse, starting to transform an area of neglected ancient woodland, to the delight of local residents.

#### **Conservation**

As heralded in my last Report, a new Assistant Conservation Officer, Frederique Caillat, started on 17 November and has been working on the Waltham Abbey Conservation Area Character Appraisal. Her appointment will enable work on several forthcoming Character Appraisals to progress, providing valuable benefits for the historic built environment of the District.

#### **Car parking**

##### *Car parks strategy*

The district wide public consultation that took place in the summer months provided some helpful input into the review of the Council off-street car parking strategy. I

now intend to bring a report to Cabinet in early 2015, setting out the revised strategy including proposed amendments to the tariff structure.

The procurement for the replacement of old pay and display machines which are effectively obsolete, and for which the acquisition of spare parts has become increasingly difficult, has been successful, resulting in three companies submitting good quality tender bids. Metric Group has been awarded the contract to install new pay and display meters in all Council car parks.

#### *Parking Reviews*

Essex Highways are finalising the legal paperwork for the official Traffic Order which will enable the introduction of the new parking restrictions in Buckhurst Hill to take place. In parallel, the design drawings and related information have been submitted for the preparation of cost estimates to carry out the signing and lining work.

Once this is completed, work will start on the Loughton Broadway Parking Review in the New Year.

#### *North Essex Parking Partnership (NEPP)*

At the most recent meeting of the NEPP Joint Committee on 16 October, each district / borough / City Council was asked to submit four schemes. I am pleased to say that in the event we managed to get six schemes approved for Epping Forest. These are at: Carisbrook Close, Epping; Hillyfields, Loughton; Castle Street, Ongar; Park Avenue, Hastingwood, Woodland Road, Loughton; and Sewardstone Road, Waltham Abbey.

#### **Epping Forest Community Transport**

Epping Forest Community Transport (EFCT) began life under the wing of Voluntary Action Epping Forest (VAEF), the umbrella organisation for charities in the Epping Forest District. In 2011, having become a fairly large project, EFCT left VAEF and was taken under the wing of Essex County Council, with a view to it becoming an independent charity. This meant forming a board of directors/trustees, setting up a bank account, business plan, obtaining company and charitable status and all the other fundamentals required for the running of an independent business. Councillor Will Breare-Hall is currently the Chairman, and Councillor Richard Bassett is also a trustee.

The journey towards independence has taken much longer than anticipated, but ECC Portfolio Holder, Councillor Rodney Bass, finally approved the Key Decision allowing EFCT to become an independent charity as from Monday 1 December 2014.

EFCT is located at the Social Care Building, St Johns Road, Epping CM16 5EB. It has a workforce of eight people, consisting of four paid office staff and four paid drivers. There are also approximately 11 volunteer drivers and two office volunteers.

EFCT's mission is to run an effective transport service which benefits the lives of the community at an affordable cost. It is for people who have difficulty accessing conventional transport, either because of restricted mobility or because there is no alternative form of passenger transport available. Its vision would be to operate a service that allows everyone to be able to experience freedom of travel.



The provision of a door to door accessible transport service enables disabled, rurally isolated people to remain independent by providing transport which allows them to do such basic tasks as shopping and attending medical appointments. Epping Forest Community Transport wants to give the Epping Forest community freedom of choice, improving the quality of life at an affordable cost.

At present, EFCT have approximately 500 individual and 60 group members who use the service, and the scheme enables an average of 2,600 passenger journeys to be made each month.

EFCT currently owns six mini buses, and the social cars are made available by volunteer drivers using their own vehicles.

**At the moment Epping Forest Community Transport is short of volunteers, social car drivers, minibus drivers and escorts to assist with the groups. If members know of anyone who is able to offer their time, please get in touch.**

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# ***Report to the Council***

**Committee:** Cabinet

**Date:** 16 December 2014

**Subject:** Technology and Support Services

**Portfolio Holder:** Councillor A Lion

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**Recommending:**

**That the report of the Technology and Support Services Portfolio Holder be noted.**

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## **Support Services**

### **Pay Settlement**

Agreement has been reached on this year's local government national pay award. This is to be implemented locally from the 1 January 2015 and equates to an average of 2.20% and will cover the period 2014 – 2016. This settlement is unusual in that there is no back dating element, instead a one-off payment will be paid to eligible staff in their December 2014 and April 2015 salaries.

The Directors and the Chief Executive are not covered by this agreement as they have different negotiating bodies.

### **Road Safety Week**

The Council participated in Road Safety Week, held on 17 – 21 November. The Council's Safety Officer arranged for a member of the Fleet Operations Team to undertake inspections of employee's cars at the Civic Offices in readiness for winter. A total of 19 inspections took place, a valuable check as just over half the vehicles inspected needed attention!

In addition to the inspections, free fuel efficiency driving sessions for staff were arranged through Tusker, our Green Car Salary Sacrifice providers. A total of 14 employees participated in test driving sessions before and after which advice was given on how to reduce fuel consumption. Several employees achieved reductions of between 16 and 17%, resulting in a possible saving of £150 a year.

### **HR/Payroll IT System**

Following Cabinet's agreement to allocate £80,000 to procure a new HR/Payroll system, officers are in exploratory discussions with Chelmsford City Council about how we might work together to share their system rather than buy our own. Officers are currently putting together a specification to enable Chelmsford to understand our requirements. Colchester Borough Council has also been contacted to investigate the potential for a joint sharing arrangement with EFDC.

### **Enveloping Machine**

Officers have been able to fund the purchase of an Enveloping Machine from within existing resources. The anticipated 12 week lead-in period previously advised to the Cabinet has been significantly reduced. The machine has already been delivered, installed and the

Reprographics Team trained. This means that the service will be up and running well in advance of the busy period which will start in February next year.

### **Energy Management**

The Council has approximately 550 gas and electricity separate connections and an annual energy spend of approximately £750,000. The management and payment of these energy supplies is spread across a number of Directorates and over time, records held have become fragmented. Although improvements have been made, specialist assistance is now required in auditing for data accuracy, managing the contracts and in selecting an appropriate tariff. Discussions have taken place with a firm of energy saving specialists, who have a proven track record within Essex, having carried out similar exercises at Braintree, Uttlesford, and Colchester. Savings identified in the first year of these contracts have usually exceeded costs. This exercise will span all Directorates and will upon completion, produce a consolidated corporate database for managing energy usage. This exercise will also offer the opportunity to overhaul and improve working practices and efficiency.

### **Solar Panels and roof works and replacement of windows in the main building**

Tenders have been received and checked for both projects and these are within the allocated budgets. Work will commence in the New Year and no significant disruption to normal activities is anticipated, although Members will see scaffolding erected to the outside of the Civic Offices while the works are being undertaken.

### **Survey of Leisure Centres**

A firm of surveyors has been appointed and building, electrical and mechanical surveys of all our leisure facilities will be underway shortly. The work will start on 8 December 2014, at Waltham Abbey Pool. This audit is required in preparation for the placement of a new leisure contract. They will report on the general condition of the buildings, mechanical and electrical equipment and external areas, including any works required and cost of correcting any defects identified. They will also report on any likely areas of work and costs that can be foreseen over the next 20 years.

### **Technology**

#### **Superfast Broadband and the GIS system**

The newly purchased ESRI mapping system has been used to support Members working with Essex County Council (ECC) on the Superfast Broadband project. The GIS team has brought together known data of the EFDC area from the Gazetteer along with acquired broadband coverage data from an additional three sources. This has been overlaid onto maps of the District, identifying areas of commercial coverage (outside the scope of the project) and those areas with low broadband speed.

Further analysis of property density and potential populations, for both residential and commercial customers has identified areas where speed improvements would provide the most benefit. This analysis is being presented to the Portfolio Holders Advisory Group on 9 December to begin to determine locations and priorities for Superfast broadband coverage within the scope of the EFDC funding to ECC.

#### **ICT Strategy**

The work program element linked to the ICT Strategy has now been updated and will be presented at the Finance and Performance Management Scrutiny Panel in March.

## ***Report to the Council***

**Subject:** Leisure & Cultural Strategy

**Committee:** Cabinet

**Date:** 16 December 2014

**Portfolio Holder:** Councillor H Kane  
(Leisure & Community Services)

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### **Recommendations/Decisions Required:**

**(1) That the Leisure & Cultural Strategy be adopted.**

### **Report:**

1. The District Council currently provides a range of Leisure and Cultural Services, which includes Arts, Community Development, Sports/Health Development, and the District Museum Service. The most significant investment in Leisure is the provision of four Sports/Leisure Centres, managed under contract by Sports & Leisure Management Limited (SLM). This contract is due to expire in January 2016.

2. Consequently, the Council needed to consider the future level of service that it wished to provide and which options the Council would want to procure for the new contract. These considerations need to be addressed in a strategic fashion, and one of the Council's key objectives for 2014/15 was the development of a new Leisure & Cultural Strategy.

3. To develop the new Strategy, a Portfolio Holder Advisory Group was established, with representation from a wide cross section of Members from across the District. From the outset, the Group acknowledged that Leisure and Cultural activities produced considerable social and economic benefits to the community, as well as making a major contribution to the special character of the District, and the primary focus of the new Strategy should be the District Council's role.

4. The Portfolio Holder Advisory Group met on a number of occasions and received presentations on: the Council's Community and Cultural Services; the future provision and procurement options for the new Leisure Management Contract; and an insight into key demographic and health issues within the District. Site visits were also undertaken to the Council's four Leisure facilities.

5. The proposed Strategy was considered by the Cabinet at its last meeting on 3 November 2014, and the 20 key recommendations within the Strategy were agreed as the basis for the Council's future role and priorities for the provision of Leisure and Cultural opportunities. However, under article 4 of the Council's Constitution, the adoption of the Cultural Strategy is a matter reserved for the Council.

6. We recommend as set out at the commencement of this report.

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# Epping Forest District Council

## Leisure and Cultural Strategy



2015 - 2025

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## INTRODUCTION

### **The Purpose of this Strategy:**

This document is Epping Forest District Council's (EFDC) Leisure and Cultural Strategy. Its purpose is to provide a policy focus for EFDC in its role in supporting the future provision of leisure and cultural opportunities, to meet the needs of residents and visitors to the District.

The overarching aim is to increase the number and frequency of people, participating in leisure, cultural and community activities, by ensuring that local provision is accessible and of the highest affordable quality. This is based on the rationale that if achieved, this will help improve health and wellbeing, raise aspiration and attainment, improve community cohesion and enhance the local economy. **(Recommendation 1)**

### **How has this Strategy been developed:**

The development of the Strategy has been steered by a Portfolio Holder Advisory Group, led by the Council's Leisure and Wellbeing Portfolio Holder.

The Terms of Reference of the Portfolio Holder Advisory Group are as detailed below:

- To assist in the development of a new Leisure and Cultural Strategy for the District;
- To seek to establish priorities for the future provision of Leisure and Cultural Services by the Council;
- To define the role that the District Council should play in addressing Leisure and Cultural need in the future;
- To identify any emerging socio-economic and demographic factors and their potential impact on the future provision of Leisure and Cultural Services;
- To review how the Council's services can help meet the aspirations of the West Essex Health and Wellbeing Strategy;
- To review the current services delivered under the existing Leisure Management Contract and to consider the type and level of future service provision to be sought, in any new contract.

- To critically review the Sports and Leisure Centres owned by the Council, giving consideration to their location, age, condition, costs/subsidy and make recommendations on future provision/investment.

The Advisory Group have met on a number of occasions and received presentations by a range of relevant officers engaged in the delivery of leisure and cultural services. The Group have also undertaken site visits to the Council's Leisure facilities.

### **What is Leisure and Culture:**

There are numerous definitions of both Leisure and Culture to be found. However, what is apparent is that for each of us, it can often mean different things. For some, it can mean playing sport or participating in the arts, for others it can involve enjoying our heritage, architecture and landscape, or simply spending time with friends or family.

Regardless of interpretation, there is a strong link between actively engaging in leisure and cultural activity and leading a better quality of life. Indeed, there is considerable evidence to suggest that such benefits include:

- Improving physical and mental health and wellbeing;
- Raising aspirations and achievements;
- Enhancing a sense of identity, building individual self-confidence and development;
- Contributing to community development, cohesion, inclusion and sustainability;
- Driving economic development – cultural and leisure employment, visitor economy, and inward investment.
- Reducing crime and anti-social behaviour.

### **Why is a Strategy needed:**

In common with other districts, a wide range of agencies work to develop and deliver leisure and cultural activities across Epping Forest. In addition to EFDC, these include community groups, private and voluntary sector clubs and organisations, the City of London Corporation, the Lea Valley Park Authority, Essex County Council, Town and Parish Councils, schools and colleges.

This Strategy creates the opportunity to improve co-ordination both within EFDC and in the context of its work with partners. Whilst the document will, therefore be of interest to anyone involved with, or who has a stake in the future provision of leisure and cultural opportunities, it should be stressed that the primary focus of the Strategy is the District Council's role going forward, identifying the Council's future priorities.

This emphasis has been driven by the fact that the Council is currently operating in an environment of constrained resources, a situation which is unlikely to change in the foreseeable future. The Council's Medium Term Financial Strategy requires the achievement of in excess of £2m of efficiency savings in the period 2015-2019. The provision of leisure and cultural services is the largest area of discretionary expenditure that the Council incurs, of some £3.6m per annum. (Net Expenditure 2014/2015 – Leisure Centres £2m, Arts £30k, Museum £437k, Sports and Health Development £291k, Community Development £251k, Limes Farm Centre £47k, Grants to Voluntary Organisations £210k). Therefore, there is a clear need to ensure that priorities are clearly established and that services are being provided in the most efficient way possible. It is also important that there are monitoring and evaluation processes in place, to ensure that desired policy outcomes are delivered and value for money is achieved.

For these reasons, it has been necessary not only to adopt a strategic approach, but also to primarily focus on the range of Leisure and Cultural opportunities directly provided or actively facilitated, by the District Council. Notwithstanding, the document does demonstrate the links to other strategic documents and as such, has not been developed in isolation. This is because as highlighted earlier, Leisure and Cultural activities have the ability to deliver across a number of broader themes such as Health and Wellbeing, Social Inclusion, Regeneration, Skills and Employment, Community Safety and Economic Development. Therefore, the relationship between this strategy and existing and emerging strategic documents, such as the Local Plan, the West Essex Wellbeing Strategy, the Local Strategic Partnership's Tourism Strategy and the work that has commenced on the emerging Corporate Plan and new Economic Development Strategy for the District, has been considered.

**(Recommendation 2)**

**The Period of the Strategy:**

In terms of the length of this Strategy, a balance has needed to be struck between taking a longer term view, for example, the new Local Plan will cover a 20 year period up until 2033, and a shorter term more pragmatic view, given the current uncertainty with regard to local government funding and legislative change.

A review of strategic documents, produced by other local authorities, shows a typical range of between 5-15 years. Given that the Council's own Corporate Plan, set for renewal in April 2015, covers a five year period, it has been determined that a

medium term vision of ten years (the potential length of any new Leisure Management Contract) with a formal five-year review, to coincide with the cycle of the Corporate Plan, was the most appropriate time frame for this Strategy.  
**(Recommendation 3)**

## **SECTION TWO – THE EPPING FOREST DISTRICT - NOW AND IN THE FUTURE:**

### **Character of the District:**

Epping Forest District Council abuts Greater London yet is dominated by open countryside. Over half of the approximately 124,700 residents live in the areas of Loughton, Buckhurst Hill, Chigwell and Waltham Abbey, which account for only 5% of the area of the district. Epping Forest is therefore, a largely rural district (over 92% Green belt), with individually distinct towns and villages, set in generally attractive countryside.

The key natural feature is Epping Forest itself, which runs along the north-west boundary of Buckhurst Hill and Loughton to the southern end of Epping. This part of the Forest (which extends south to Wanstead in London) is designated as a Special Area of Conservation, an acknowledgement of its international importance for nature conservation. There are several other ancient woods in the district, including part of the remnants of Hainault Forest. The district has a total of eight SSSIs although some of these straddle the boundary with other authorities. There are nine Local Nature Reserves and over 200 Local Wildlife Sites (LoWs).

Waltham Abbey, Epping and Chipping Ongar are market towns of medieval original, and the centres of several towns and villages, are also designated as conservation areas. The district currently has over 1,300 listed buildings, 34 scheduled monuments, and five registered parks and gardens. The Council has identified over 300 locally listed buildings. The built heritage is also therefore, very important with respect to the special character of the District.

The development of the Central Line in the mid to late 19<sup>th</sup> century led to huge expansion of Buckhurst Hill and Loughton and these two settlements now comprise the largest urban area in the district. The District is served uniquely in Essex by eight underground train stations. The M25 runs east-west almost through the middle of the district, with a local road interchange at Waltham Abbey. The M11 runs north-south, with a full interchange at Hastingwood, just south of Harlow, and a northward-off/southward-on interchange at Loughton. The A414 is a key east-west route in the county, crossing the district from Harlow to Ongar, on the way to Chelmsford and the Essex coast.

### **Demographic Considerations:**

The district's population has grown steadily over the last 50 years, from 108,000 people in 1961 to almost 124,700 in 2014. Population estimates and projections issued since the 2011 Census indicate that the population could potentially continue to rise to a total of approximately 142,900, by 2033.

The largest proportion of the population in the district (39.4%) lives within the more urban areas of Loughton, Grange Hill, and Buckhurst Hill. The market towns of Epping, Chipping Ongar and Waltham Abbey have 29.9% and the rural areas (including the large villages such as North Weald, Theydon Bois and Nazeing) account for the remaining 30.7%.

In terms of internal migration, the trend in recent years is for people to leave London to come to the district, and for local residents to leave the district to go to other areas. Within the region, the main exchange of population takes place between the district and other Essex districts.

The district's population is older than the average for Essex, and for England and Wales as a whole. Epping Forest District has less people in the 20 to 39 age bracket compared to Essex. Conversely, the district has more people within the 40 to 59 bracket (28.6% compared to 27.4% in Essex and 26.8% in England and Wales).

Projections suggest that this situation will become more pronounced in the next 20 years, as the large, already 'older' population ages further, leading to a higher 'average age' for the district. It is estimated that by 2020 over 55% of the District's population will be 60 years+.

Life expectancy in Epping Forest District is higher than the national average, and is rising steadily, following the national trend. Male life expectancy is 77.9 years, with female life expectancy 82.1 years, in both cases above the national averages. However, there is a variation of 8.8 years in life expectancy between the more affluent ward of Chigwell Village and some of the more deprived wards in Waltham Abbey.

The Joint Strategic Needs Assessment and Health Profiles for the District, indicate that 22.9% of the local adult population is classified as being obese with 17.8% of local children in school year six, being similarly classified.

The vast majority of the population remains White British, although the percentage of non-White British people has risen to over 20% since the 2001 census figure of 8.8%.

The population of the district is on average fairly affluent, but there are particular pockets of deprivation generally in the larger towns and urban areas, e.g. Waltham Abbey, Loughton Broadway and Grange Hill.

## **Economy and Employment**

The number of residents in full time employment is above the national average with 2.6% of the resident population being unemployed. However, there are currently

16% of children living in poverty in the district, with their families living on 60% of the national median average wage. Young people NEET (Not in Employment, Education or Training) is below the Essex Average, and has shown a continuing decrease in recent years.

The most dominant sectors for employment in the district are distribution, hotels and restaurants, banking and finance, and the public services. Recent growth in employment has been strong as the economy moves out of recession, particularly in the construction, transport and communication sectors. The District's business structure is dominated by micro businesses of 1 to 10 employees with a strong entrepreneurial spirit evident. Although formal educational attainment levels are Below average, despite some high performing schools, household income levels are above.

As might be expected due to the availability of transport links, there is a strong commuting pattern into London, with an estimated 65% of the working age population out commuting.

### **Epping Forest in the Future**

Some of the trends evident in the current profile of the District, that have been highlighted in the previous section, will occur naturally and will be taken into account in meeting future leisure and cultural needs. However, the Council's role as Planning Authority will be a key determinate of future change and provision for the District.

Previous Central Government regulations required every local authority to produce a Local Development Framework. However, change in regulation introduced by the coalition government, under the National Planning Policy Framework, now mean the Council must prepare a full Local Plan.

The Local Plan will set out the planning policies and land allocations that will guide development in Epping Forest District over the next 20 years. The Local Plan will use the views of the local community, coupled with a robust evidence base, to establish a Vision for how the district will develop (to include aspirations in relation to Leisure and Culture), along with detailed planning policies and specific land allocations.

There are a number of stages in the preparation of the Local Plan. The Council has published its revised timetable called the Local Development Scheme, which anticipates going out to consultation in May 2015 on Preferred Options. However, at an earlier stage in the process, a Community Visioning exercise was conducted, in the winter of 2010/2011.

This district-wide public Consultation gave local people the opportunity to say how they would like the area to develop over the next 20 years, identifying what issues were important to them in terms of future life in Epping Forest.

The key issues identified by the Community Visioning Consultation where:

- Conservation and enhancement of the **natural and historic environment**, including landscape;
- The need for homes and jobs in the areas;
- The provision of retail, **leisure** and other commercial development;
- The provision of infrastructure for transport, energy, telecommunications, waste management, water supply, waste water and flood risk management;
- The provision of health, security, **community and cultural services** and other local facilities; and
- Climate change mitigation and adaptation.

From the key issues identified by residents, it can be seen that considerable importance is placed on the natural and historic environment, leisure opportunities and community and cultural services.

Based on the key issues, a draft Vision Statement has been developed, which will shape the Local Plan and outline the community aspirations that the plan will be required to deliver. **(Recommendation 4)**

#### **Draft Local Plan Community Vision for Epping Forest District:**

*“Epping Forest District residents will continue to enjoy a high quality of life where the built and natural heritage is highly valued and conserved. The District will meet its development needs in the most sustainable locations where there is the greatest capacity for utilising existing infrastructure and delivering new infrastructure, least impact on the natural and historic environment and where the Green Belt will continue to serve its purposes of keeping settlements separate and retaining their identities.*

*Epping Forest will be conserved and enhanced and will continue to form a key part of the District’s identity. Residents will have excellent access to open and natural spaces including the Lea Valley Regional Park and the countryside. Development will utilise the latest technology to deliver resource efficient development and ensure resilience to climate change.*

*The District’s economy will retain its strong links with London whilst developing a more sustainable local economy which builds on its strengths and assets including*



*tourism, aviation related industry, research and development, food production and the building industry.*

*A distinctive and attractive network of towns and village centres which can be accessed by well serviced public transportation, walking and cycling will continue to be at the heart of the District's communities. Residential development will be located to meet the needs of the housing market area whilst supporting economic development. Towns and Villages will benefit from appropriate scale development that meets local need and ensures their vitality".*

### **SECTION THREE – LINKS TO OTHER STRATEGIES:**

It is important that this Strategy takes account of the current national and regional context for the development of culture and leisure. Relevant policies have been reviewed and summarised to assess their “fit” with the Strategy proposed for Epping Forest. It should be noted that national and regional policies could be subject to amendment over the next year, in the event of a change in Government priorities, post the May 2015 general election. **(Recommendation 5)**

#### **National Policy:**

Providing access to high quality leisure provision, maximising the role of culture in building sustainable communities and supporting the creative and cultural economy, are key elements of current national policy.

The stated aim of the Department for Culture, Media and Sports (DCMS) is to “improve the quality of life for all through cultural and sporting activities, to support the pursuit of excellence and to champion the tourism, creative and leisure industries”.

Levels of participation in physical activity and the resulting positive impact on the health and well-being of the nation, are also the focus of attention for many national policy documents.

The National Policy statements of intent, with respect to Culture and Leisure, that are of direct relevance to Epping Forest, can be summarised as follows:

- Supporting vibrant and sustainable arts and culture nationally and locally, by continuing to fund arms-length bodies like the Arts Council England, giving incentives to the creative industry;
- Maintaining world-leading museums and galleries and supporting the wider museum sector by providing funding for national museums and galleries, providing free public access to the permanent collections of national museums and galleries, and funding the Arts Council England to provide support to “non-national” museums;
- Promoting the understanding and enjoyment of the historic environment through funding English Heritage, protecting nationally important sites and monuments of archaeological or historic interest, by granting them scheduled status;

- Ensuring as many people as possible are playing sport by funding Sport England to help community sports grow, (including helping 14-25 year olds to keep playing sport through their lives), expanding the School Sports Programme, maintaining and improving Britain's elite sports performance and building a lasting legacy from the 2012 Olympic and Paralympic Games;
- Helping people to make healthier choices by providing advice on a healthy diet through the Change 4 Life Programme, and giving guidance on how much physical activity people should be undertaking;
- Supporting marketing campaigns to attract visitors to the UK in the years following 2012, increase the proportion of UK residents who holiday in the UK, and broaden the tourism offer, by creating alternative attractions that match London.

### **Regional Policy:**

There are a number of agencies who are responsible for delivering national policy on a regional basis, to include Arts Council England, Sports England, English Heritage and the Museums, Libraries and the Archives Council (which are now part of Arts Council England). These regional bodies are supported in practical delivery initiatives, by a number of sub-regional/county wide partnerships, such as Active Essex, Museums East of England and Museums Essex, Essex Arts, Culture First, Visit Essex and with respect to Health Improvement, the County Council's Directorate of Public Health and local Clinical Commissioning Groups.

Whilst each of these bodies/partnerships have their own individual priorities and action plans, they generally sit within the policy umbrella provided by Central Government. They provide a key interface with the National Lottery and other External Funding streams with respect to Arts, Heritage and Sports, by providing technical and professional input into the evaluation, award and monitoring of funded projects.

As the Council's Leisure Management, and in particular Community and Cultural Services, have an excellent track record in securing external funding and grants, to extend service provision (totalling over £5M in the last ten years), it will remain important to maintain alignment of future service delivery, to locally relevant regional grant making priorities. **(Recommendation 6)**

### **Local Policy:**

This Strategy does not seek to simply replace the various existing strategies that influence how culture and leisure opportunities are provided in Epping Forest. Many current initiatives have been developed by local partnerships such as Active Epping

Forest, Epping Forest Disability Forum, Think Family (previously the Epping Forest Children's Partnership), Epping Forest Youth Strategy Group, Epping Forest Health and Wellbeing Partnership, Visit Epping Forest and the numerous local Historical Societies and Conservation Groups

Rather this Strategy seeks, as previously stated, to focus on the District Council's role and priorities for action, whilst being complementary to the aspirations of national government, regional agencies and local partners.

The District Council's desired policy outcomes, with respect to direct provision and partnership working in Leisure and Culture, are currently contained within a number of strategic documents. These are highlighted below:

### **The Community Strategy 2010-2031**

One Epping Forest is the Local Strategic Partnership for the District. The Partnership is made up of representatives from local councils, education, the police, health services, business and community groups. Its key role is to deliver the shared vision, outcomes and values, enshrined in the Community Strategy, many of which can be practically delivered through participation in Leisure and Cultural activities.

The Community Strategy is the long term overarching plan to deliver better quality of life and improve the economic, social and environmental well-being of the Epping Forest District over the next 20 years and beyond. Based on local needs and residents priorities, it seeks to support 'sustainable communities' for the future. The central element of the strategy is a statement of joint ambitions, a shared vision of what collectively are the outcomes to be achieved, on behalf of the District's communities. This has been articulated as:

*"Together making Epping Forest a great place to live, work, study and do business".*

It should be noted that the Council's Community Services currently plays a major role in delivering on key aspects of the Community Strategy, including health and wellbeing, children's and young people's services, community cohesion and capacity building, in order to build sustainable communities.

### **The Corporate Plan 2010-2015**

The District Council's current Corporate Plan has identified the authority's Medium Term Aims, from which the Cabinet's Key Objectives are developed on an annual basis. The Corporate Plan and Cabinet Key Objectives are an integral part of the Council's Performance Management Framework, setting out corporate priorities and policy objectives. These are practically delivered through Departmental Business Plans and supporting service strategies.

### **The Corporate Plan Medium Term Aims 2010/11 to 2014/15 are:**

- Safeguard frontline services that our local residents tell us are important;
- Have the lowest District Council Tax in Essex and maintain that position;
- Be recognised as an innovative and top performing Council in Essex;
- Continuously improve efficiency by adopting new ways of working with our partners and maximising revenue from our assets;
- Provide clear community leadership and be a strong advocate, championing the interests of the people of Epping Forest and protecting the special character of the District.

The Council is currently in the process of developing a new Corporate Plan, effective from April 2015.

### **Council's Current Service Strategies:**

The following section highlights a number of existing Council service strategies and their key aims. These are not only important in delivering desired outcomes in relation to the previous two high level plans, i.e. Community Strategy and Corporate Plan, but give an important context for the development of the new Leisure and Cultural Strategy. It should be noted that for a number of these documents, the end date is 2015 and therefore the new Leisure and Cultural Strategy is timely, with respect to identifying future priorities.

### **Sports and Health Development Strategy 2010-2015:**

The Council seeks to secure and develop a broad spectrum of sports, health and physical activity provision across the District, by providing advice, support and direct services and through the establishment of partnerships, collaborations and co-operation between clubs, organisations, agencies and individuals involved in sport. The Council aims to co-ordinate the district's sports, health and physical activity provision and to ensure a wide range of opportunities are available for people of all ages and abilities to take part in quality sports experiences including exercise to improve health and general well-being, leadership and volunteering.

### **Epping Forest Arts Strategy 2012-2015:**

The Council seeks to provide a service which enables residents of all ages, abilities and backgrounds to access, and engage with high quality arts provision, and to experience the benefits that the arts can provide. The Council will provide a professional and high quality arts programme that includes targeted activities and events for socially excluded groups, including older people in residential care, people with learning disabilities, people with physical disabilities, and young people with low

educational attainment. In addition, the Council will not only provide arts activities for all, but also advice and support to communities arts groups and artists resident in the District. This will be supported by grant-aid to groups and individuals.

### **Community Development Strategy 2010-2015**

The Council seeks to support the development of active, sustainable communities, with a particular focus on the District's for local super output areas, namely Limes Farm Estate in Chigwell, Ninefields Estate in Waltham Abbey, Oakwood Hill Estate in Debden and Shelley Estate in Ongar.

### **Epping Forest Play Strategy 2007-2017**

Produced in conjunction with the Epping Forest Play Partnership, this Strategy seeks to inform the future development and delivery of high quality, safe, challenging and suitable play facilities and opportunities.

### **Epping Forest District Museum Service Strategy**

The Council seeks to celebrate the social history of the Epping Forest District, with an emphasis on people and the environment in which they live. This is achieved through exhibitions, collections and records which are conserved. The aim is to ensure that the service is accessible to everyone, and can contribute to the quality of life in the District.

### **Leisure Management Strategy**

Epping Forest District Council's Key Objectives with respect to the management of its Leisure facilities, are to increase use and activity for all residents, to provide services which are complimentary to and not in competition with facilities provided by others in the District, to improve the range of service offered, maximise external capital investment in the Council's facilities and reduce revenue costs by the minimisation of management fees, to any external management partner.

### **Playing Pitch Strategy**

The Council has mapped a way forward for the provision of pitch sports facilities in the District. The Strategy gives direction and guidance to all those involved in providing outdoor sports facilities in Epping Forest and is also important in supporting applications to external bodies to increase and improve the existing stock of pitches.

## **Voluntary Sector Grants**

Epping Forest District Council supports voluntary sector organisations involved in providing community work, culture and/or sports activities by providing financial assistance to enable them to deliver successful services. Small grants are also made available to talented Artists and Sports people to assist their development.

## **West Essex Health and Wellbeing Strategy (Draft)**

In collaboration with the West Essex Clinical Commissioning Group and the neighbouring authorities of Harlow and Uttlesford, the District Council seeks to ensure that West Essex is “A place with the highest standards of health and wellbeing that prioritises promoting innovation and new ways to meet growing health needs. Where local communities and individuals are enabled to help themselves wherever possible, but with excellent services for those that cannot, provided through a framework of innovation and genuine partnership between all concerned local stakeholders”.

## **Epping Forest Biodiversity Action Plan**

This action plan contains a range of targets aimed at conserving and enhancing biodiversity across the district in the key habitats, of woodland, farmland, urban open space and species rich grassland and heathland. The plan seeks to balance conservation and protection of the natural environment with the promotion of active recreational and leisure use.

## **SECTION FOUR – PROVISION FOR LEISURE AND CULTURAL**

### **Current Opportunities**

As highlighted earlier, there are a significant number of providers and partner agencies in the statutory, private and voluntary sectors who currently deliver a diverse range of leisure and cultural opportunities. These opportunities are located not only within the main urban conurbations, but also across the rural parts of the district, with the voluntary/community sector, in particular, playing an important role in many rural areas, delivering accessible leisure and cultural opportunities in areas of poor public transport, helping to develop community cohesion and combating isolation for the elderly.

### **Performing Arts Facilities**

The District currently has limited provision with respect to purpose built arts rehearsal and performance space. Whilst there are drama studios at a number of the secondary schools, Zinc Arts in Ongar and Epping Forest College, the East Fifteen Acting School in Debden, has the only permanent fully equipped theatre. Although the physical proximity of London provides opportunities for residents of the district to access high quality performing arts, this may be restrictive for some local people due to other access barriers such as cost. However, the regional Playhouse Theatre in Harlow, does provide affordable access by audiences to performances, on a more local basis.

Whilst this choice exists, there has not been pressure and demand for the provision of a dedicated arts facility to be directly provided by the Council. Rather, the Council has adopted a policy of outreach and over many years has developed a comprehensive community arts programme. An audit of current activities provided by the Council's Community and Cultural Services, to include arts development activity, was undertaken as part of the development of this Strategy. This illustrates the depth and range of Community and Cultural activity, across the District.

### **Museums and Galleries**

The Council provides the Epping Forest Museum Service. Whilst based at the District Museum in Sun Street, the Service also operates on an outreach basis through a programme of temporary exhibitions, education visits, loan boxes, lectures and seminars. The Council also supports the North Weald Airfield Museum through its grant programme and through professional support.

The museum collection celebrates the social history of the District. In 2013, the service was successful in securing a major Heritage Lottery Fund grant of £1.65m which will enable the provision of new space to significantly extend the museum's



exhibition, and on-site storage, as well as providing complete, step-free access for people with disabilities. The funding additionally covers the appointment of two posts to develop volunteering and community engagement with museum services. The Council also manages the Borough of Broxbourne's Museum Service, based at Lowewood Museum in Hoddesdon, through a Service Level Agreement. The Museum has also been commissioned to provide a specialist resource for the preparation of touring exhibitions which are toured across the East Region. This programme is funded by Arts Council England at a sum of £145,000.

Currently there is limited community gallery and exhibition space located in the District. However, with the extension of the Council's Museum in Waltham Abbey and a planned new initiative at Epping Forest College, the deficit of gallery space will be partially addressed. As in the case of access to performing arts venues, the numerous galleries in the capital and the Gibberd Gallery in Harlow Town Centre, assist in meeting some local requirements.

### **Outdoor Sports Facilities**

The provision of facilities to play outdoor sports is met primarily by voluntary sports clubs and Town and Parish Councils. There are currently 78 adult football pitches, 26 junior football pitches, 13 mini soccer, 32 cricket pitches and 16 adult rugby pitches.

The District Council's role is largely one of advice and facilitation, although in recent years the Council has provided direct funding to develop a full-sized 3G floodlit artificial pitch at Town Mead, Waltham Abbey, managed in partnership with Waltham Abbey Town Council. This facility met a gap in provision, complementing the other all-weather pitches at Debden High School, Roding Valley High School, St John's Epping, Old Loughtonians and Spurs Lodge, Chigwell, the Academy in Debden, and Upper Clapton Rugby Club in Thornwood.

### **Community Halls**

There are 43 community halls provided by local town and parish councils, voluntary clubs and village hall committees, equivalent to one hall per 2,907. Whilst the Council directly provide a range of services from the Limes Farm Centre, Chigwell, its current role is again in facilitating and providing a level of capital funding for improvements through the Community Grants Scheme. Access to community halls plays an important role in the local provision of leisure and cultural opportunities.

### **Tourist Facilities**

The District Council does not play a direct role in the management of any specialist tourist facilities, with the exception of the District Museum which attracts visitors from

outside of the area. However, the authority has an active role in the management of conservation and wildlife areas through its Country care Service, which plays an important part of the visitor offer. Similarly, North Weald Airfield with its event programme and outdoor market also attracts a significant number of visitors per annum.

The Council does, however, appreciate the importance of tourism to the local economy, with visitor spend estimated at over £20m per annum in the District.

As such, the Council plays an important ongoing role in the Tourism Taskforce established by the Local Strategic Partnership, recently funding a dedicated Tourism Officer post to co-ordinate and develop their work. Their Website, Visit Epping Forest, has proven highly successful in increasing awareness of key visitor attractions such as the Ongar Epping Heritage Railway, the Royal Gunpowder Mills, Epping Forest and the Lea Valley Regional Park.

### **Sports and Physical Activity**

Utilising Sport England Surveys (Active People), and market segment information from Expedia, the patterns of demand for open space, sport and recreation in the District have been identified. Whilst the results primarily relate to formal sports activities, this also included “moderate intensity activity”, comprising non-competitive activities such as jogging, walking and recreational cycling, which make use of the open space in the District.

Most current indices of participation in sport and active recreation in Epping Forest, are just above the median for our geographic neighbours, demographic comparator authorities, and regional/national averages. However, it can be observed that participation in organised competitive sport is lower than the comparators, which suggests that provision for recreational level and informal participation is important locally.

Levels of satisfaction are a little below the regional and national averages, which may imply that there is some dissatisfaction with the quality and quantity of local provision. The market segmentation analysis suggests that demand for swimming, golf and water sports, is likely to be higher than the national average, as is demand for open space that provides for outdoor activities.

The District Council currently promotes leading an active and healthier lifestyle, through its Sport and Health Development Team, working with partners and supporting the voluntary sector. Much of this work is funded through external funding secured via competitive process and over the last few years this has been in the region of £250,000. This is complementary to the Council’s main leisure facility provision. These activities have also been audited and mapped.

**Leisure Centres and Swimming Pools**

The District is currently served by a number of providers with respect to leisure/sports centres and swimming pools. The private sector has a presence ranging from small gym facilities to larger health and fitness clubs, operated by national companies such as Virgin Active and David Lloyd. Other facilities can be accessed outside of curriculum use, at the 6 state funded secondary schools, comprising of primarily sports halls and outdoor courts, although Davenant and West Hatch Schools have swimming pools, which are hired to the public.

In addition to these facilities, in the private and education sector, the District Council has four purpose built community leisure centres which are currently managed under contract by an external leisure management partner, SLM, up until January 2016. These facilities are Epping Sports Centre, Loughton Leisure Centre, Waltham Abbey Swimming Pool and Ongar Leisure Centre. Combined they represent by far the largest area of direct leisure service provision by the Council and incur the highest level of discretionary expenditure by the Council. For these reasons, the future level of provision and delivery is covered in some depth later in this Strategy. An audit of existing provision in the District and in near neighbouring authorities has been undertaken and mapped to show the distribution of opportunities.

**(Recommendation 7)**

**Future Need**

In April 2012, as part of the compilation of the evidence base for the Local Plan, the Council appointed specialist external consultants to analyse the differing needs of the District’s population for open space, built sports facilities and active recreation. This report, the “Epping Forest Open Space, Sport and Recreation Assessment”, will not only inform the Local Plan, but contains detailed research on which to base this Leisure and Cultural Strategy. This is with respect to evidence of current supply, identification of existing facilities in need of enhancement, and to plan for any new future facility requirements. The scope of the study covered an extensive list of types of provision, including:

- |  |                                 |                               |
|--|---------------------------------|-------------------------------|
| Allotments                             | Cricket Pitches,                | Health and Fitness facilities |
| Cemeteries & Graveyards                | Swimming Pools                  | Indoor Sports facilities      |
| Informal Recreation Grounds            | Synthetic Athletic Tracks       | Equestrian facilities         |
| Children’s Playgrounds                 | Artificial Pitches              | Airfields                     |
| Woodlands and Semi-Natural Open Spaces | Sports Halls                    | Shooting facilities           |
| Football Pitches                       | Tennis Courts                   | Village and Community Halls   |
| Rugby Pitches                          | Squash Courts                   |                               |
|  | Golf Courses and Driving Ranges |                               |

The development of the Assessment Study was supported by a stakeholder consultation group comprising Town and Parish Councils, Sport Essex, Essex Wildlife Trust, EF Youth Council, Lea Valley Regional Park Authority, City of London, Sport England and Natural England.

Whilst the Assessment Report is therefore a key piece of evidence in the Local Plan process, this Leisure and Cultural Strategy focuses on the District Council's future role. Therefore, there is no further analysis of provision for those types of facilities for which the Council makes no direct investment or indeed, does not play an enabling/supporting role.

Other providers i.e. Town and Parish Councils, statutory partners, the private and voluntary sectors, can access the conclusions of the Assessment Report which is published on-line on the Council's Website, under the Local Plan section. This is not to say that these other providers' services are not important in meeting future leisure and cultural need, but rather sit outside of the scope of this Strategy. The Council will be giving due regard to the recommendations around these other types of provision, as part of the key deliverables in the Local Plan. **(Recommendation 8)**

Therefore, for District Council direct and enabled services going forward, the following assessment of future need has been established.

### **Community and Cultural Services**

The current aims and description of these services including Arts, Community, Sports and Health Development and the Museum Service have been outlined earlier in the Strategy. It can be observed that in order to compensate for the lack of some specialist, particularly arts and gallery provision, and to reflect the nature and demography of the District, Community and Cultural Services are primarily delivered on an outreach basis, with an ethos of community development. This is a cost effective approach which does not incur the expense of built facilities and delivers activities on an ongoing self sustaining basis, once the initial set up work is completed, building community capacity and enabling self help.

Additional Value for Money is also achieved by the long-standing success of external funding applications which have enabled a level of participation in excess of what core Council funding could provide alone. The role of the Council and its staff is, in this regard, to act as a facilitator and a "hub" to identify, seek access and deliver external funding opportunities for community and cultural services.

Given the reputation and success of the Council's current Community and Cultural Services, it is assessed that demand for these services will continue in future. However, as discretionary services, the Council will need to ensure that it is achieving Value for Money and that the service is targeted at those in the greatest

need and likely to benefit the most. The proposed future priorities for Community and Cultural Services are outlined later in the Strategy.

## Indoor Sports Halls

For the purposes of this Strategy, sports halls are defined as indoor halls with a minimum dimension of 33m x 17m x 7.6m, equivalent to four basketball courts. Currently there are 6 sports halls with community access in Epping Forest, equivalent to one facility per 20,833 people.

Sports Hall	Address	Dimensions
Epping Sports Centre	Hemnal Street, Epping CM16 4LU	33m x 18m
St John's CoE School	Bury Lane, Epping CM16 5EN	33m x 18m
Debden Park High School	Willingale Road, Loughton IG10 2BQ	33m x 18m
Roding Valley High School	Alderton Hill, Loughton IG10 3JA	33m x 17m
Waltham Abbey Sports Centre	Broomstick Hall Rd, Waltham Abbey EN9 1LF	40m x 17m
Ongar Leisure Centre	The Gables, Ongar CM5 0GA	33m x 18m

In addition to the regulation sized sports halls in the district, there are a number of smaller halls, which, whilst unable to accommodate the full range of sports hall activities by virtue of their limited dimensions, nevertheless serve to supplement local provision:

Facility	Address	Dimensions
Chigwell School	High Road, Chigwell IG7 6QF	25m x 18m
Davenant Foundation School	Chest Road, Loughton IG10 2LD	18m x 17m
David Lloyd Club (Chigwell)	Roding Lane, Buckhurst Hill IG9 6BJ	18m x 17m
Guru Gobind Singh Khalsa College	Roding Lane, Chigwell IG7 6BQ	25m x 18m

Sports Hall provision in neighbouring local authorities is tabulated below. Epping Forest has the second lowest per capita rate of sports hall provision and number of badminton courts per capita, well below the median figure for both measures.

Local Authority	No. Sports Halls	Sports Halls per capita	No. Courts per capita
Uttlesford	6	1: 12,600	1: 3,150
Havering	16	1: 14,756	1: 3,689
Brentwood	8	1: 14,960	1: 2,394
Harlow	5	1:16,340	1: 4,085
Enfield	18	1: 16,383	1: 4096
Waltham Forest	13	1: 17,469	1: 4,367
Broxbourne	5	1: 18,120	1: 4,118
<i>Median Values</i>	<i>9.1</i>	<i>1: 18,643</i>	<i>1: 4,359</i>
East Hertfordshire	7	1: 19,586	1: 3,917
<b>Epping Forest</b>	<b>6</b>	<b>1: 20,833</b>	<b>1: 5,000</b>
Chelmsford	7	1: 23,971	1:5,413
Redbridge	9	1: 30,056	1: 7,512

Sport England recommends that for rural areas, the recommended travel time to a sports hall should be twenty minutes or less by car and that for urban areas up to twenty minutes walking time. On this basis, taking into account facilities in neighbouring authorities, these criteria are largely met. However, the Assessment Study did conclude that the current provision of six sports halls is inadequate with an assessed demand for one additional sports hall, bringing the total to seven, the preferred location being in the more densely populated South of the District.

### Indoor Swimming Pools

There are five facilities, comprising a collective total of 1,713.5sq.m of water space, with community access in Epping Forest, equivalent to one facility per 25,000 people, or 13.71sq.m of water space per 1,000 people:

Swimming Pool	Address	Dimensions
Virgin Active Club (Chigwell)	Woolston Manor, Abridge Rd, Chigwell IG7 6BX	20m x 11m
Loughton Leisure Centre	Traps Hill, Loughton IG10 1SZ	25m x 12 m 18m x 7m
Ongar Leisure Centre	The Gables, Ongar, CM5 0GA	25m x 12.5m
David Lloyd Club (Chigwell)	Roding Lane, Buckhurst Hill IG9 8BJ	25m x 10m 20m x 6m
Waltham Abbey Pool	Roundhills, Waltham Abbey EN9 1UP	25m x 9m 12m x 5m

In addition to the swimming pools in the district that meet the minimum 20m length criterion to accommodate a full range of swimming activities, there are a number of smaller pools, which, whilst unable to accommodate a full range of activities by virtue of their limited dimensions, nevertheless serve to supplement local provision:

Facility	Address	Dimensions
Marriott Leisure Club (WA)	Old Shire Lane, Waltham Abbey EN9 3LX	15m x 6m
Davenant Foundation School	Chester Road, Loughton IG10 2LD	18m x 6m
Woolston Manor Golf Club (Outdoor)	Abridge Road, Chigwell IG7 6BX	18m x 6m
West Hatch High School	High Road, Chigwell IG7 5BT	18m x 8m

The provision of swimming pools in neighbouring local authorities is tabulated below and shows that Epping Forest has the third highest figure for both pools and water space per capita, well above the median figure for both measures of provision (based on data from 'Active Places').

Local Authority	No. pools	Pools per capita	Water space	Sq.m per 1000 people
Brentwood	6	1: 12,467	1,906.0sq.m	25.48sq.m
Broxbourne	5	1: 18,120	1,307.5sq.m	15.12sq.m
<b>Epping Forest</b>	<b>5</b>	<b>1: 25,000</b>	<b>1,713.5sq.m</b>	<b>13.71sq.m</b>
Waltham Forest	8	1: 28,388	2,796.25sq.m	12.31sq.m
Uttlesford	3	1: 25,200	907.5sq.m	12.00sq.m
<i>Median values</i>	<i>5.5</i>	<i>1: 30,465</i>	<i>1,735.0sq.m</i>	<i>11.97sq.m</i>
Havering	9	1: 26,233	2,796.25sq.m	11.84sq.m

East Herts	5	1: 27,420	1,603.5sq.m	11.70sq.m
Enfield	8	1: 36,863	2,581.75sq.m	8.75sq.m
Harlow	2	1: 40,850	660.0sq.m	8.08sq.m
Chelmsford	3	1: 55,933	1,141.5sq.m	6.80sq.m
Redbridge	7	1: 38,642	1,731.5sq.m	6.40sq.m

Sport England have established a standard of provision that is utilised in establishing need and on which they determine capital grants. This was the case for the Sports Lottery Award for Loughton Leisure Centre. On the basis that the entire population of the District is within 20 minute drive to their nearest pool, it can be concluded that quantitative need is met. However, in terms of quality and condition, a number of areas of concern are highlighted in the next chapter.

### Squash Courts

For the purpose of this Strategy, squash courts are defined as specialist courts, complying with dimensions specified by England Squash and Racketball. There are 11 courts at five locations in the district, equivalent to one court per 11,363 people.

Site	Address	No. courts
Epping Sports Centre	Hemnall Street, Epping CM16 4LU	4
Old Chigwellians SC	Roding Lane, Chigwell IG7 6BA	1
Ongar Squash Club	Love lane, Ongar CM5 9BL	2
Waltham Abbey Sports Centre	Broomstick Hall Road, WA, EN9 1LF	2
Metropolitan Police (Chigwell)	Chigwell Hall, High Road, Chigwell IG7 6BD	2

The provision of squash courts in neighbouring local authorities is tabulated below. The data shows that Epping Forest has a per capita rate of provision well above the median.

Local Authority	No. courts	Courts per capita
Brentwood	18	1: 4,156
Broxbourne	13	1: 6,969
East Hertfordshire	16	1: 7,038
<b>Epping Forest</b>	<b>11</b>	<b>1: 11,363</b>
Uttlesford	6	1: 12,600
Harlow	6	1: 13,617
Chelmsford	12	1: 14,125
<i>Median values</i>	<i>11.6</i>	<i>1: 15,231</i>
Enfield	18	1: 16,383
Waltham Forest	12	1: 18,925
Havering	9	1: 26,233
Redbridge	6	1: 45,083

As a specialist sports facility, squash court users typically travel by car to reach their chosen facility. On the basis of current provision, the entire population is again within 20 minute drive at their nearest facility. It should be noted that the popularity of squash has declined over the last 10 years, as alternative means of keeping fit in the

form of fitness suites and movement classes have increased. This has led to poor uptake of courts particularly at non-peak times, and as such, many squash courts are being used to host alternative activities such as yoga, and children's play.

## Health and Fitness Facilities

Health and Fitness facilities for the purpose of this Strategy are deemed to comprise of specialist indoor area with a mixture of cardio and resistance exercise equipment and areas for movement classes. There are 12 health and fitness facilities, collectively providing 715 stations in the district, equivalent to one facility per 10,417 people and one station per 175 people.

Site	Address	Stations
Concept Fitness	224 High Street, Epping CM16 4AQ	15
Epping Sports Centre	Hemnall Street, Epping CM16 4LU	35
Marriott Leisure Club (WA)	Old Shire Lane, Waltham Abbey EN9 3LX	18
Pro SW Gym	Sterling House, Langston Road, Loughton IG10 3TS	24
Simply Fitness	Old Station Road, Loughton IG10 4PE	18
Virgin Active Club (Chigwell)	Woolston Manor, Abridge Road, Chigwell IG7 6BX	150
Metropolitan Police (Chigwell)	Chigwell Hall, High Road, Chigwell IG7 6BD	20
Loughton Leisure Centre	Traps Hill, Loughton IG10 1SZ	90
Waltham Abbey Pool	Roundhills, Waltham Abby EN9 1UP	40
Krunch Gym	Ability House, Brooker Road, Waltham Abbey EN9 1JH	85
David Lloyd Club (Chigwell)	Roding Lane, Buckhurst Hill IG9 6BJ	165
Ongar Leisure Centre	The Gables, Ongar CM5 0GA	55

The provision of fitness facilities in neighbouring local authorities are tabulated below and show that Epping Forest is above the median figure for the number of facilities and has the second highest level of per capita provision of stations.

Local Authority	No. facilities	Facilities per capita	No. stations	Stations per capita
East Hertfordshire	14	1: 9,793	849	1: 161
<b>Epping Forest</b>	<b>12</b>	<b>1: 10,417</b>	<b>715</b>	<b>1: 175</b>
Harlow	7	1: 11,671	453	1: 180
Uttlesford	11	1: 6,873	383	1: 197
Chelmsford	17	1: 9,871	836	1: 201
Brentwood	8	1: 9,350	366	1: 204
<i>Median value</i>	<i>12.4</i>	<i>1: 12,811</i>	<i>688</i>	<i>1: 228</i>
Havering	12	1: 19,675	956	1: 247
Broxbourne	6	1: 15,100	366	2: 248

By mapping the geographic location of the current health and fitness facilities in Epping Forest, it can be seen that the entire population is within a 15 minute drive time. As such, it can be concluded that provision is adequate.



## Synthetic Sports Pitches

Definition: For the purposes of the Strategy, synthetic sports pitches are defined as artificial grass playing surfaces, with dimensions of 101.4m x 64m (including run-offs) with sand-filled, rubber crumb or water-based pitch surface variants. There are six pitches with community access in the district, equivalent to one facility per 25,000 people.

Site	Address	Type
Debden Park High School	Willingale Road, Loughton IG10 2BQ	Sand-filled
Roding Valley High School	Alderton Hill, Loughton IG10 3JA	Sand-filled
Chigwell School	High Road, Chigwell IG7 6QF	Sand-filled
Old Loughtonians HC (x2)	Luxborough Lane, Chigwell IG7 5AB	Water-based
Town Mead Recreation Ground	Townmead, Waltham Abbey	Rubber Crumb

In addition to the synthetic turf pitches in the district that meet the minimum dimensions of 101.4 x 63m, there are a further two small facilities which serve to supplement local provision.

Site	Address	Type	Dimensions
Old Loughtonians HC	Luxborough Lane, Chigwell IG7 5AB	Sand-filled	50m x 50m
Upper Clapton RFC	Upland Road, Thornwood	Rubber Crumb	50m x 50m

By mapping the location of synthetic sports pitches in Epping Forest, together with the 20 minute drive time catchment standard. It shows that the entire population of the district is within 20 minutes' drive of their nearest pitch, and as such provision is adequate.

## Future Provision Conclusions

On the basis of the analysis provided, it can be seen that the District Council plays a role in the direct provision of sports halls, swimming pools, health and fitness facilities and synthetic pitches. With the exception of sports halls, a picture of adequate access to provision is evident with the number of facilities generally above the median figure in comparison to neighbouring authorities and within the access catchment criteria established by Sport England.

The exception to this is with respect to the provision of sports halls, where there is a deficiency of one sports hall. An opportunity exists to fill this need in the south of the District, as Epping Forest College have expressed an aspiration to provide a new sports centre to serve both their students and the community at their site in Borders Lane. The Council has previously sought a commitment from the College in the form of a letter of intent that they would seek to re-provide such a facility, as and when financial circumstances allowed, to compensate for the loss of the previous Debden

Community Association Sports Centre, which was redeveloped for an older people's care home. If this was to proceed it could meet an identified strategic need.

The analysis shows that the District's current population is within a 15-20 mile drive time of swimming pools, health and fitness facilities and synthetic pitches. Whilst the Objectivity Assessed Housing Need figure within the Local Plan is yet to be established, the Issues and Options consultation expressed a preference from the community for incremental development around existing settlements. On this basis, there is therefore, given current provision serving such existing settlements, not a future need for more quantitative provision. The caveat to this proposition is if any neighbouring authority was to close a major facility, creating a deficit for residents of the district on the borders.

Similarly, to close an existing provision in the District, particularly a Council community facility would also create deficit. However, with an ageing stock of, in particular, sports halls and swimming pools, there is a qualitative issue that is sought to be addressed in the following section on Future Provision and Management of the Council's Sports and Leisure Centres. **(Recommendation 9)**

## **SECTION FIVE – DISTRICT COUNCIL PRIORITIES AND PROVISION**

### **Leisure Facilities**

#### **Background**

In 2005, as a result of a recommendation of a Best Value inspection of Leisure Services, and against a backdrop of increasing pressure on revenue and capital budgets, the Council undertook a comprehensive review of the alternative options available, to manage its leisure facilities. Following this review, the Council elected to pursue the appointment of an external “partner” to manage and develop its major leisure facilities and swimming pools.

By engaging an external “Partner”, the Council aimed to achieve a number of key Objectives:

- To manage the Council’s Leisure Facilities by the most cost effective means possible, therefore reducing the level of revenue support necessary in the future;
- To alleviate the financial risks to the Council and in particular to release the Council from the threat of VAT penalties deriving from exempt incomes;
- To invest in the facilities to ensure that the internal fabric is maintained to current standards and that capital refurbishments and new facilities are provided where possible;
- To ensure that high quality and diverse opportunities remain available and accessible to all sections of the local community, and to seek continuous improvement to the Service.

Following a competitive procurement process, the Council awarded the contract to Sport and Leisure Management Limited (SLM). The contract for Loughton Leisure Centre, Ongar Leisure Centre and Waltham Abbey Swimming Pool, was initially for seven years with an option to extend it for a further three years based on satisfactory performance. This option was exercised in 2011 and involved the contractor submitting proposals, which were financially advantageous to the Council’s revenue position.

In relation to Epping Sports Centre, this had originally been tendered for a period of three years, due to uncertainty about the position regarding the possible relocation of the Centre, as part of the redevelopment of a new secondary school in Epping. However, when the option was not pursued, the contract timescale for Epping

Sports Centre was realigned with the rest of the overall contract which is currently due to terminate in January 2016.

As is the case with the vast majority of local authority leisure provision throughout the country, and in particular, those councils who have an ageing stock of buildings, an element of subsidy is required as generally income from fees and charges does not cover the operating costs. A key objective of seeking alternative management of the Council's facilities had been the transfer of risk of under-achievement of income and the minimalisation of the level of revenue support required. As a result, tenders were sought on a "deficit guarantee management fee basis", i.e. after the contractor had met all their obligations regarding staffing, maintenance, and operating costs, and based on their estimate of income from users, which they retained, what level of "deficit" payment or management fee would they require.

The contract with SLM commenced on 3 January 2006, and the Council's Leisure Centre staff, at that time, were TUPE transferred to SLM.

Shortly after the commencement of the contract, as per SLM's tender bid, a capital improvement programme involving some £1.6 million of expenditure commenced. This resulted in a major refurbishment of both the wet and dry changing rooms at Ongar Leisure Centre combined with the conversion of the squash courts to provide a fitness suite and movement studio. In addition, at Waltham Abbey Swimming Pool, the changing rooms were refurbished and reconfigured to provide internal access to the fitness suite and the construction of a new extension incorporating a movement studio. SLM designed, specified, procured and funded the works, managing the building contracts directly.

The Council had sought a "hybrid" contract with the intention of ensuring that the specification of requirements achieved a balance between protecting the Council's long term interests in the buildings, and guaranteed an affordable accessible programme of activity to meet the needs of all sections of the community, whilst ensuring that any contractor had the flexibility to develop the business. SLM's charitable trust status also produced financial advantages, in terms of business rate relief, VAT exceptions and corporate tax advantages.

### **Financial Performance of Current Contract**

The current management fees paid to meet the deficit of operating the four centres are detailed below. Due to the quality of the modern facilities provided by Loughton Leisure Centre and its premium location, it does not currently require a deficit payment, rather SLM pay the Council a management fee reflecting the Centre's high revenue potential.

By bringing together cost and performance considerations, it is possible to apply a relative ranking to the current facilities. In summary, Loughton Leisure Centre has the lowest management fee, the highest participation figure and the lowest subsidy per user. This is in contrast to Waltham Abbey Swimming Pool which has the highest management fee, the second lowest participation figure and the highest subsidy per user. **(Recommendation 10)**

<b>2013-2014 Subsidies</b>					
	Management Fees	EFDC Costs	Total Cost	Subsidy per head of population	Subsidy per user
Epping Sports Centre	£301,916	£46,604	£348,520	£2.81	£2.08
Loughton Leisure Centre	-£182,730	£103,700	-£79,030	-£0.64	-£0.18
Ongar Leisure Centre	£286,336	£46,044	£332,380	£2.68	£1.69
Waltham Abbey Pool	£498,278	£48,672	£546,950	£4.41	£2.66
	<b>£903,800</b>	<b>£245,020</b>	<b>£1,148,820</b>	<b>£9.27</b>	<b>£6.25</b>

Attendances 2013 – 14

Based on SLM supplied site attendances

Epping Sports Centre	167,603
Loughton Leisure Centre	432,603
Ongar Leisure Centre	197,137
Waltham Abbey Pool	205,502

### **Condition of Current Facilities**

As part of the budget process for 2014/15 the Council made provision for and has commissioned full building condition surveys for all centres. A breakdown of current known maintenance issues and each centre's relative strengths and weaknesses is attached at Background Paper 1. However, subject to formal confirmation by the building surveyor's reports and based on pre-tender estimates it has been established that Waltham Abbey Swimming Pool has effectively reached the end of its viable life. To invest the significant sums of money, estimated in excess of £1m to refurbish a building some 45 years old, would not make economic sense, given its inherent problems with layout and its current financial performance. Therefore, there is a need to re-provide a pool, elsewhere in Waltham Abbey. **(Recommendation 11)**

Epping Sports Centre is a conversion of an army drill hall and whilst significant sums have been spent on the roof and tanking the sports hall, the building has very poor access for people with disabilities and has restricted car parking. Again, the building does not lend itself to modern flexible use and has an awkward layout. Despite not reaching the unviable position of Waltham Abbey Pool, serious consideration should be given to its replacement in the medium term. A key consideration of future

location will be the Local Plan and where future growth is delivered. However, the Masterplanning Exercise recently submitted into the evidence base for North Weald Bassett and the Deloitte Report on North Weald Airfield, both suggest that future provision may be required. This will need to be kept under review and reflected in any future management contract. **(Recommendation 12)**

Ongar Leisure Centre, whilst of a similar age to Epping Sports Centre, in part because of its original specification as a dual use centre with higher quality mechanical and electrical plant (accepting that the flat roofs may need to be refurbished in 5-10 years), coupled with investment by SLM of over £1m on the changing facilities and new fitness suite conversion, has a longer viable life than the other two older centres. With the success of the bid to provide a new secondary school in Ongar under the “free schools” programme on the site, an opportunity exists to revert back to the previous dual use arrangements, which would potentially enable a cost sharing arrangement on repairs and running costs to be negotiated. **(Recommendation 13)**

### **Future Leisure Management Contract Options**

As part of the Council’s initial decision to seek an alternative provider, extensive consideration has been given to the respective management options available, namely direct management, private sector operator, in-house trust or established trust. An evaluation was undertaken of the benefits of adopting the particular options, and a firm conclusion was reached that outsourcing to a private sector partner or external trust was the preferred option in relation to the delivery of the Council’s Key Objectives

A recent review of these options has reached the same conclusion, particularly as a result of recent number of visits to other authorities who have recently re-let large contracts, coupled with the increasing feature in the leisure contracting market of private sector companies being willing to invest capital or enter into joint development arrangements, for new or extensively extended leisure facilities, to include where appropriate facilities for participation in arts and cultural activities. **(Recommendation 14)**

### **Procurement Approach**

There is a considerable amount of complexity in relation to the procurement of a new leisure management contract for the Council, particularly given the number of variables and unknowns in relation to the condition of buildings and future provision options. Whilst it would be possible to replicate the previous approach, where the Council had specified its requirements in detail through the contract specification, this would have a limiting effect on the contractor. The Council’s current operator has

already referred to this restriction and has indicated that an alternative approach of competitive dialogue may be preferable. **(Recommendation 15)**

Competitive Dialogue was used to let the Council's new Waste and Street Cleansing Contract and to date has proved to be a positive experience, allowing contractors to be innovative and bring forward their own ideas based on their experience on how services could best be delivered. Braintree District Council and Hinkley Borough Council have recently let their new leisure management contract by way of competitive dialogue, with considerable benefits in terms of reduced revenue costs and capital investment. **(Recommendation 16)**

### **Community and Cultural Services**

In Sections 3 and 4 of the Strategy, the Council's range of Community and Cultural Services including Arts, Community Development and Sports/Health development, as well as the District Museum Service, were outlined along with the aims of their current service strategies.

It was explained that they operate on largely an outreach basis, working closely with other partners in the public and voluntary sector, with a good track record of accessing external funding. The exception to this work has been the direct management of services for the Limes Farm Hall, which underwent an extensive refurbishment, under a project led by Community and Cultural Services. A similar opportunity has been identified to provide a community hub in an area of social deprivation at Hillhouse, in Waltham Abbey.

The management of the service, which now lies in the Council's Communities Directorate, has recently been reviewed and has brought together the four teams, who have always undertaken work on a complementary basis, into two teams reflecting the synergies between the Arts and Museum Service and Sports/Health and Community Development.

Whilst these discretionary services at the initial time of establishment, used to work primarily within their own particular professional discipline, delivering arts, sports, community and museum activities, they have over a period of years operated on a much more thematic basis recognising their ability to impact a wider policy objectives in relation to health inequalities, social inclusion, anti-social behaviour, youth empowerment and active ageing.

As a result, a number of review workshops, future forecasting and self evaluation exercises, including the active engagement of Members of the Portfolio Holder Advisory Group for the development of this Strategy, the following priority areas for the future work of the Council's Community and Cultural Services have been identified to be delivered through programmes of partnership work.

### **(Recommendation 17)**

- Community and Cultural Cohesion
- Health Inequality
- Young People and Youth Unemployment
- Anti-Social Behaviour
- Ageing Population
- Rural isolation.

## **Health and Wellbeing**

### **Introduction**

The health and social care system, nationally and locally, is undergoing major structural change at a time of increasing demand. The gap between what is needed to maintain services in their current configuration, and the needs of a growing and increasingly aged, higher need population are stretching resources at a time of budget constraint. With patients' expectations and the costs of health care, and infrastructure also increasing, there are significant challenges to be addressed in the short, medium and longer term to respond effectively.

As an integral part of planning for health care in West Essex, the Clinical Commissioning Group and the three West Essex Local Authorities, namely Epping Forest, Harlow and Uttlesford District Councils, have built on their history of collaborative working, to formally constitute the West Essex Wellbeing Board. This co-ordinating partnership has sought to clarify its future priorities through the development of "Better Together" the West Essex Health and Wellbeing Strategy.

The strategy attempts to ensure that all stakeholders are enabled to contribute and play their role in meeting these challenges in a coherent and co-ordinated way. It starts from the proposition that the issues and factors which generate and sustain a healthy and successful community are not simply within the gift of the statutory health services to remedy.

The work to integrate Health, Social Care and District Council Services, such as Housing, Planning and Leisure and Culture, goes beyond simply having closer links between the CCG District Councils and ECC. Resources that can have a critical impact on these factors exist within communities and the many services which are geared to support them either at a community level through publicly funded public services or increasingly through private sector organisations.



## **Key Priorities**

The Strategy contains 5 main health and wellbeing priorities, which will be the key areas where action by the Council and all other partners, collectively and individually, will be focused for the next five years. These are the issues where a joined up partnership approach will deliver the greatest added value in service delivery and will impact the most on delivering the vision.

Three of the priorities have been set out at the level of West Essex, and two have been identified by the Local Partnership in each district as the areas of particular concern of them, and where they feel the greatest improvement can be made. The sixth priority running through everything, is to drive service improvement and efficiency in the management of scarce resources through joined up, strategically focused services.

These priorities will be reconfirmed on an annual basis at a West Health Stakeholder Conference, and will be addressed through the production and agreement of an Annual Delivery Plan in each area and pan West Essex. This will also contain detailed targets.

### **The agreed West Essex Priorities are:**

1. Divert and manage demand for publically funded health services, focusing on community mobilisation and collective and individual resilience.
2. Establish joint critical pathways from the NHS into social care.
3. Establish new innovative solutions to meeting care needs, using tele-care etc.

### **In Epping Forest this will be complemented by the following priorities:**

4. Mitigating the impact to accessing services to vulnerable groups, particularly linking to social deprivation, age and Rural Isolation; and
5. Investing in services to Young People, improving sexual health, child and adolescent mental health (CAMH's) and tackling childhood obesity.

These priorities have been established on the evidence of the health profiles produced by the County Council's Director of Public Health and the Joint Strategic Needs Assessment.

Given that the determinants of good health are wider than simply access to primary care services, for example, poor housing, lack of access to services by public transport, poor diet and lack of exercise and social isolation, the District Council

clearly has a vital role to play. This is not only restricted to direct service delivery, but also in its role as Planning Authority, ensuring that access to appropriate health care is delivered as part of the Local Plan, commensurate with levels of growth.

The District Council will continue to be actively engaged in the West Essex Wellbeing Board and maintain its role in delivery of the West Essex and local Epping Forest priorities. These will be reviewed along with the agreed delivery plan at the annual stakeholder conference. An opportunity exists for the priorities contained in the Health and Wellbeing Strategy to be incorporated in the service specification for any new leisure management contract, as the Council's contractor could have a significant contribution to make, in addressing health inequalities.

**(Recommendation 18)**

At the local level, the Council participates in the Health Sub Group of the Local Strategic Partnership, a multi-agency group, co-ordinating practical local delivery initiatives. It is anticipated that emerging initiatives such as Social Prescriptions, will have positive results in addressing isolation for the elderly.

### **Voluntary Sector and Partnership**

Reference has been made earlier in the Strategy to the role that the Council plays in supporting the voluntary sector through its Community Grants Scheme. The Council are also committed to its obligations to support the voluntary sector through the Local Compact. To date, the Council has retained its level of funding to the Voluntary Sector, despite the requirement to make substantial efficiency savings in recent years.

This reflects the fact that many voluntary sector clubs in the area of Leisure and Culture are actively engaged in partnership delivery of services to the local community i.e. sports clubs, heritage societies etc. However, this is becoming more difficult within restricted resources, and the Council has established a Task and Finish Panel of Councillors to review both the methodology for agreeing grant funding and the total amount to be provided. The Task and Finish Panel will also consider the inter-relationship with discretionary rate relief given to voluntary organisations.

**(Recommendation 19)**

Since its inception in 2000 as part of the Community Wellbeing Act, the Council has played a leading role in the District's Local Strategic Partnership "One Epping Forest". Not only has the Leader of Council chaired the Partnership for the last six years, demonstrating clear Community Leadership, but also the Council hosts the Partnership Manager.

An ongoing commitment to the work of the LSP and its delivery groups i.e. Safer Communities, the Epping Forest Think Family Forum, Sustainable Communities and

Health and Wellbeing, would help the delivery of future leisure and cultural policy outcomes and opportunities.

The structure and role of the LSP is due to be reviewed by the Partnership in December 2014 and any new focus or implications will be taken on board with respect to this Strategy.

## **Tourism and Visitors**

Tourism initiatives to attract visitors to the District, are co-ordinated through the Epping Forest Tourism Task Force. The idea for a tourism taskforce emerged at the One Epping Forest annual stakeholder conference (2012) looking at potential areas for growth and economic returns to the district. Partners, local business and tourism attractions felt that this was already a significant element of the local economy, and there were real opportunities for growth in terms of jobs and income while enhancing rather than despoiling the green and unique character of the area.

Following discussion with representatives from the private sector and major attractions, a taskforce was established which met in March 2012 for the first time. Initial investigatory work undertaken by the Task Force revealed that –

- The area already had a significant tourism and visitor economy: this comprised a significant percentage of local jobs and generated almost £20m locally. This is a much greater return than other districts in West Essex or nearby. The Forest alone is estimated to have 6 million visits annually. Investment by individual organisations in promotion is substantial and the district funds the Waltham Abbey Tourist Information Centre (TIC) (£15,000 pa and Visit Essex £1,500 pa).
- Visits were mostly related to people visiting friends or relatives, daytrips rather than significant overnight/longer term stays.
- The accommodation sector is thought to be under developed (there are no 5 star hotels), but partners were unsure this was a significant barrier.
- However, this return was generated without any local leadership, support or coordination. Unlike other areas with significant similar sectors, there was no active committee to coordinate or lead, no single promoted brand or website resource, no single promotional leaflet/posters, banners, presence at tourism fairs or exhibitions, cross ticket promotions, etc. Basically none of the infrastructure to support a sustained growth of such a significant element of the local economy was in place.

- Returns from and engagement with Visit Essex, the current platform for driving visitor numbers, was poor. This site was felt to be cumbersome and focused on promoting the coastal areas and sites in the East of the county. The site originally promoted only two places to stay in the district, one of which was in Harlow.
- The major strength of the area, its unique selling points, remain its green and unique nature; over 90% green belt, with two major parks, and a significant number of SSSI's and nature reserves, coupled with its proximity and easy connections to London. The area also boasts an enviable number of key attractions that augment and enhance the green and unique offer, particularly around the historical theme, and adrenaline sports.
- Many of the 'attractions' in and close to the district were dependent on the role played by volunteers (the resurgence of the Epping-Ongar railway being a good example of this), the wider voluntary sector and the support of infrastructure bodies such as Voluntary Action Epping Forest.

On the basis of the above, the taskforce has developed an Action Plan to address these issues, the key recommendations of which are detailed below:

- That a standing committee, of either One Epping Forest or Epping Forest District Council, under the Chairmanship of an elected member, remain in place to lead, coordinate, champion and promote the growth of the Tourism and Visitor economy locally. The Committee should also look at establishing sector-led groups e.g. hotels, restaurants, pubs to promote work and coordinate activity in their specialist areas.
- Commission work on the longer term branding of the district, and assessing the potential to grow the sector into overnight, weekend and longer stays, particularly around exploring London. The key priority to be to increase numbers but also maximise the retention of spend in the district.
- Exploratory work on the potential of growing eco/green tourism offer, and the development of a Hot (High Octane Triangle) Zone based on the White Water Centre in Waltham Abbey, Gunpowder Mills and Mountain Biking in the Forest, should be undertaken as a priority.
- That a submission be prepared on behalf of the sector, identifying physical investment programmes to support the industry, in particular re-opening the rail connection from Ongar to Epping to a scheduled service, providing bridges linking the LVRPA White Water Centre, the Royal Gunpowder Mills, and Waltham Abbey, looking at enhanced opportunities for higher-end accommodation sites in the district.

- Through the London Stansted Cambridge Corridor partners, and the West Essex Alliance, look to ensure connections are made with neighbouring areas' tourism promotion, in particular developing new trails from central London northwards to Cambridge. The Tri-council group (Enfield, Broxbourne and Epping Forest) should also be approached to develop cross border working. More detailed bids for external funding should also be prepared for these groups and be included in the Integrated County Strategy, or any other appropriate source of funding.
- Repeat Annual Tourism and Visitor Value research to chart longer term the health locally of the sector, and the impact of interventions.
- Partners should investigate as a matter of urgency the capacity required to deliver these improvements. It is clear that this report sets out an ambitious programme of work, but there remains a deficit in capacity in terms of staff time and resources to ensure the programme is delivered. It is suggested that a part-time post is established to support the ongoing work of the tourism partnership, the remuneration and location (which organisation hosts) of the post to be decided by the committee.

The District Council has adopted the recommendations of the Tourism Taskforce. To reflect the importance placed on the sectors contribution to Economic Development, (one of the Council's Key Objectives), and to address the final recommendation around capacity, the Council has already funded a Tourism Development Officer for an initial one year period. **(Recommendation 20)**

## SECTION SIX – RECOMMENDATIONS AND ACTIONS

### Summary of Key Recommendations

1. That the key aim of the District Council with respect to the future provision of Leisure and Cultural activity, is to increase the number of people actively participating, by ensuring that provision is accessible and of the highest affordable quality.
2. That the ability of Leisure and Cultural activities to deliver across a number of broader themes, such as Health and Wellbeing, Social Inclusion, Regeneration, Skills and Employment, Community Safety and Economic Development, is acknowledged and as such, is considered important to delivering policy objectives in these areas.
3. That the Leisure and Cultural Strategy sets out a medium term vision of 10 years, with a formal review after 5 years, to coincide with the length of the District Council's Corporate Plan.
4. That the Draft Vision Statement developed by the Community Visioning consultation exercise of the Local Plan, steers the longer term aspirations of the Leisure and Cultural Strategy.
5. That the Council's Leisure and Cultural Strategy takes account of National and Regional Policy, which should be kept under review.
6. That future service provision delivered by the Council maintains alignment to the locally relevant priorities of National/Regional supervisory and grant making bodies, to maximise external funding opportunities.
7. That since the Council's investment in purpose built leisure facilities, represents the largest area of discretionary spend, future provision should be delivered by the most cost effective means possible and that maximum Value for Money is sought in terms of cost and quality.
8. That whilst this Leisure and Cultural Strategy focuses on the role of the District Council, with respect to the services it delivers directly or plays a significant role in enabling, the conclusions of the "Epping Forest Open Space, Sport and Recreation Assessment" should form part of the key deliverables with respect to the Local Plan.
9. (a) That the conclusions of the Assessment Report with respect to future provision are accepted with regard to the quantitative adequacy of Swimming Pools, Health and Fitness Facilities, Squash Courts and Synthetic Pitches, based on current and future demand.  
  
(b) That the need to provide additional sports hall provision is accepted and that the opportunity to meet the deficiency by working with Epping Forest College, is positively explored.

(c) That it is acknowledged that the current level of provision is adequate with respect to catchment standards, (although age and condition of the Council's facilities will need to be addressed), but that future leisure facility provision is kept under review, as growth scenarios develop as part of the Local Plan.

(d) That provision of dual purpose spaces and facilities, where practically possible and affordable, are included within any development of new Leisure Facilities in the district, in order to accommodate arts, cultural and community activity.

10. That the current relative performance of the Council's Leisure Facilities with respect to cost, participation and subsidy, be noted and form a key consideration with respect to future provision.
11. That subject to confirmation of the final results of the building condition surveys, that Waltham Abbey Pool is deemed to have reached the end of its viable life, and be replaced by a new facility in Waltham Abbey, the part of the District with amongst the poorest health outcomes, with further work undertaken on the most suitable location, and how it may be funded.
12. That in the medium term, depending on growth in the locality, the opportunity to re-provide a replacement facility for Epping Sports Centre should be investigated and that any new Leisure Management Contract has appropriate break clauses to enable relocation.
13. That now confirmation of funding for the new Ongar Academy has been confirmed, and on the basis that the site adjacent to the existing Leisure Centre remains the preferred location, negotiations are entered into with respect to a dual-use arrangement for the Leisure Centre, with the intention of increasing use and sharing cost.
14. That the Council's Key Objectives with respect to Leisure management are re-affirmed as the basis for any future management contract, with the preferred option being to outsource to either the private sector or external trust.
15. That the procurement approach to the new Leisure Management Contract be by Competitive Dialogue, seeking to deliver flexibility for any partner to develop income streams to reduce costs, whilst still meeting the Council's Key Objectives with respect to participation and community access.
16. That based on the success of other authorities, any new management partners are encouraged to invest in new facilities, which may involve the Council in providing capital finance.
17. (a) That the future Community and Cultural Priorities for the Council are Community and Cultural Cohesion, Health Inequalities, Young People and Youth Unemployment, Anti-Social Behaviour, Ageing Population and Rural isolation.

- (b) That the potential for a further community hub development at Hillhouse, Waltham Abbey, be positively explored with the aim of co-locating health and wellbeing services to improve the quality of life of residents, in this area of health inequality.
18. That the Council adopts the priorities of the West Essex Health and Wellbeing Strategy and continues to play a key role in the local delivery of services, which have a positive impact on addressing health inequality, allowing people to live a longer more active life.
  19. That the Council, whilst acknowledging the important role of the voluntary sector, undertakes a review of its Grant Aid Policy and Discretionary Rate Relief Policy for Voluntary Organisations to ensure that resources are used in the most efficient way possible, and that policy priorities are met.
  20. That the Council continues to support the work of “One Epping Forest” generally, but specifically the work of the Tourism Taskforce in delivering their Action Plan, given the economic and social benefits that increased visitors to the District can bring.

### **Performance Indicators**

A suite of Key Performance Indicators will be developed to monitor the delivery of the Strategy once the Strategy has received consideration by the Cabinet.

### **Culture and Leisure Action Plan**

An Action Plan with appropriate timeframes and targets will be developed by the Portfolio Holder Advisory Group, to practically implement the key recommendations once the Strategy has received endorsement by the Cabinet.



**SECTION SEVEN – BACKGROUND PAPER**

- 1. Leisure Centre, Facilities, Strengths/ Weaknesses and Maintenance Issues.

## **Epping Sports Centre**

The Centre was originally developed from a former Army Drill Hall and opened in 1975.  
The facility consists of;

- Sports Hall with viewing balconies at two levels,
- Activity Hall (former drill hall/gymnasium with wooden floor)
- 4 Squash Courts with viewing gallery above (one with glass back for exhibition or competition)
- Fitness studio with CV and resistance machines and small free weights area.
- Therapy room (operated by a third party)
- Creche (not registered under Children's Act)
- Lounge area
- Bar & kitchen
- Male and female changing rooms with showers
- Additional changing room with showers
- Parking for 27 cars

### **Maintenance Issues**

Basement flooding issues – under sports hall floor needs tanking

Sports Hall - sprung floor needs replacing

Car park drainage issues caused by tree roots

Out dated plant & equipment

Thermally inefficient

### **Strengths**

Well supported community centre

Good decorative order

Established management team

### **Weaknesses**

Age & design of building

Accessibility issues throughout building

Insufficient car parking spaces

No swimming pool

### **Waltham Abbey Swimming Pool**

Opened in 1969, originally consisted of a swimming pool and football changing rooms. The teaching pool was a later addition. The football changing rooms have since been converted into the fitness gym  
The facility consists of;

- Main Pool 25m x 9m; depth from 1m to 3m with ground floor viewing gallery
- Teaching Pool 12.2m x 6.14m, depth 1m throughout
- Sauna and steam
- Fitness studio with CV and resistance machines and free weights area
- Movement Studio
- Beauty salon (operated by a third party)
- Male and female changing rooms and showers - main pool & teaching pool
- Foyer with seating and refreshment vending
- Garden area with play equipment
- Parking for 86 cars

### **Maintenance Issues**

Roof needs replacing

Air handling plant & ductwork needs replacing

Thermally inefficient (all windows are single glazed)

Car park surface needs replacing

Inefficient plant & equipment

### **Strengths**

Well supported community based centre

Experienced long serving staff

### **Weaknesses**

Age & condition of building

Poorly located

Poor decorative order

Car park closed in bad weather due to slope

Limited space for dry activities

### **Loughton Leisure Centre**

Opened in January 2003 on the site of the old Loughton Swimming Pool.  
The facility consists of;

- Main Pool 25m x 12.5m depth from 0.9m to 2.2m. with water features and viewing balcony
- Teaching Pool - 17m x 6m with viewing gallery
- Fitness Studio CV & resistance equipment and free weights area
- Movement Studio with wood floor and mirrored walls
- Coffee Pod
- Function Hall (Octagon) – available to hire as meeting / function room
- Sauna & Steam rooms
- Changing village for swimming pools with both communal showers and separate men's & ladies showers
- Male and female dry sports changing rooms with showers & toilets
- Reception area / Foyer with vending machines and seating
- Adjacent public pay & display car park for 180 cars (this is outside the lease)

### **Maintenance Issues**

Numerous roof leaks

Worst energy efficiency rating

Poor standard of construction workmanship & wrongly specified material during construction

### **Strengths**

Good location

Extremely busy centre (centre income accounts for nearly 50% of income for contract)

Good accessibility for people with physical disabilities

### **Weaknesses**

Lack of understanding of Building Management System

Weak management team

Cleanliness issues

Octagon out-dated and unsuitable for most fitness classes

### **Ongar Leisure Centre**

Situated on the site of the Ongar Comprehensive School, the centre was opened in 1977 with a swimming pool and sports hall and extended in 1979.

The facility consists of;

- Swimming Pool - 25m x 12.5m, depth from 0.9m to 2.2m with poolside showers
- Sports Hall one court granwood floor hall with glazed viewing balcony/ activity area
- Activity area (1) laminated wood floor and partially mirrored, overlooking sports hall
- Activity Area (2) Vinyl floor, overlooking sports hall
- Beauty Room (hired to third party).
- Fitness Studio with CV and resistance machines and free weights area
- Outdoor Multi Use Games Area - floodlit, 2 tennis / five-a-side areas  
(This area needs refurbishment due to the surface condition)
- Viewing area with restricted view of the swimming pool, seating & vending machines
- Male and female dry sport changing rooms
- Swimming pool changing village with men's & ladies showers and toilets
- Playing Fields - 22 acres - marked out for junior football as required
- Parking for 180 cars – to be shared with Enterprise Centre and Adult Education Centre.

The use of the car park is subject to a car park agreement.

### **Maintenance Issues**

Roof will need replacing in near future (probably 5 -10 years)

Thermally inefficient

Poor energy efficiency rating

### **Strengths**

Only wet & dry facility and playing fields in the district

Good decorative order (recently refurbished)

Room to enlarge facility

Good accessibility for people with physical disabilities

### **Weaknesses**

Rural location

Poorly located (edge of town)

Poor highway signage

No changing facilities for outdoor pitches

Multi use games area surface needs replacing

No teaching pool

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## ***Report to the Council***

**Subject:** Calendar of Council Meetings 2015/16

**Committee:** Cabinet

**Date:** 16 December 2014

**Portfolio Holder:** Councillor J Philip  
(Governance & Development Management)

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### **Recommendation:**

**(1) That the Calendar of Council Meetings for 2015/16, as attached at Appendix 1 to this report, be adopted.**

### **Report:**

1. The Democratic Services Business Plan requires a review each year of the Calendar of Council Meetings, and in particular the frequency of individual Committees. As a result, Democratic Services submit the draft Calendar of Council meetings each year to the Cabinet for consideration prior to its adoption by the Council.

2. The draft calendar for 2015/16 is based on the current year's calendar, with approximately the same number of meetings, and proposes - where possible - the following guidelines:

- (a) all Cabinet and Cabinet Committee meetings to be held on a Thursday;
- (b) all Planning meetings to be held on a Wednesday;
- (c) all Overview and Scrutiny meetings to be held on a Tuesday; and
- (d) all Miscellaneous Committee meetings to be held on a Monday.

3. The proposed calendar continues to keep Friday evenings free of meetings and any encroachment into August has been kept to a minimum. Members are requested to note that the proposed calendar is very congested and the organisation of any additional meetings will need careful consideration. Wherever possible, meetings have not been scheduled to coincide with major religious festivals.

4. The attention of the Council is drawn to the following proposals.

### Council

5. Regular Council meetings have remained on their traditional Tuesday night. With the elections returning to the first Thursday in May in 2015, the Annual Council has been scheduled for Thursday 28 May 2015. This is two days later than normal but this amendment will give extra time to complete the appointments process and prepare the papers for the meeting.

## The Executive

6. With two of the Cabinet Committees now meeting on a Thursday evening as this is more convenient for Members and Officers, the main change this year has been to schedule all Executive Committee meetings on a Thursday evening. As a consequence, the meetings of the Miscellaneous Committees that previously met on a Thursday evening have been rescheduled for Monday evenings.

7. The Council Housebuilding Cabinet Committee is not included on the calendar as it will only meet when evaluations for the various sites are received. Meetings will therefore be arranged by Officers in consultation with the Chairman of that Committee when required.

## Overview and Scrutiny

8. The Council is currently undergoing a review of its Overview & Scrutiny Panel structure, and this review is not due to report until March 2015. Consequently, 25 dates have been set aside for Scrutiny Panel meetings in 2015/16 and these dates can be allocated to the new Standing Panels before the start of the new municipal year. One of these scheduled dates in September 2015 is on a Monday evening to avoid the Jewish festival of Rosh Hashanah (13 to 15 September 2015) the previous week.

9. An opportunity has also been taken by Officers to revamp the organisation of the Overview & Scrutiny function in 2015/16. Following the initial meeting of the Overview & Scrutiny Committee in June 2015, to confirm the membership and Chairmen of each Scrutiny Panel, there will be 5 Scrutiny cycles during the year with each cycle spread out over 2 months and culminating in a meeting of the main Overview & Scrutiny Committee.

10. This structure will result in a small reduction in the number of meetings throughout the year, and assist in the Scrutiny Panels reporting direct to the main Overview & Scrutiny Committee.

## Planning Committees

11. It is recommended that the four-week cycle be maintained for the Area Planning Sub-Committees, with one week after the local elections being reserved to enable Member training to take place. The one exception to this is in late September, as any Planning Committee scheduled for Wednesday 23 September 2015 would clash with the Jewish festival of Yom Kippur. This has necessitated a five-week gap between the Sub-Committees from September to October.

12. The District Development Control Committee continues to meet every 8 weeks throughout the year, with the one exception being a nine-week gap between the August and October meetings to accommodate the Jewish festival of Yom Kippur as outlined above.

## Licensing Sub-Committees

13. Currently, no evening meetings of the Licensing Sub-Committee have been scheduled following the review of this arrangement by the Overview & Scrutiny Committee last year. However, ad hoc evening meetings of the Sub-Committee can be arranged if the Chairman of the Licencing Committee feels that a review of a Premises' Licence warrants this.

## Miscellaneous Committees

14. Both the Youth Council and Local Highways Panel have not been included in this



schedule as it is considered that they are meetings which sit outside the Council. The Youth Council have their own programme, and the Highways Panel involves both the District and County Councils.

15. Two meeting of the Appointments Panel have been scheduled for the Thursdays following the Local Elections, on 14 and 21 May 2015 respectively prior to the Annual Council on 28 May. This arrangement has been repeated in May 2016.

#### Parish and Town Council Meetings

16. With 24 Parish and Town Councils within the District, it is extremely difficult to avoid some clashes and many Local Councils wait for the District Council calendar to be published so that they can work around it. It is considered that the attached calendar meets the concerns of the dual-hatted Members as far as possible.

17. We recommend as set out at the commencement of this report.

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## Epping Forest District Council Calendar of Meetings 2015/16

		2015								2016				
Meeting		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Executive</b>														
Council		28th		28th		29th		3rd	15th	16th(18th)			26th	26th
Cabinet			11th	23rd		3rd	8th	5th	3rd		4th	3rd	7th	
FPM Cab Comm			18th	30th		17th		12th		21st		17th		
AM & ED Cab Comm				9th			15th		10th		11th		14th	
Local Plan Cab Comm				2nd			1st			14th			21st	
<b>Scrutiny</b>														
OS Committee			9th	21st			20th			5th	23rd		19th	
Scrutiny Panel I			16th			8th		10th		12th		8th		
Scrutiny Panel II				7th			6th		1st		2nd		5th	
Scrutiny Panel III			23rd			15th		17th		19th		15th		
Scrutiny Panel IV				14th			13th		8th		9th		12th	
Scrutiny Panel V			30th			22nd		24th		26th		22nd		
<b>Planning</b>														
District Development			10th		5th		7th		2nd		24th		20th	
Plans East		13th	17th	15th	12th	9th	14th	11th	9th	13th	10th	9th	6th	11th
Plans West		20th	24th	22nd	19th	16th	21st	18th	16th	20th	17th	16th	13th	18th
Plans South			3rd	1st-29th	26th	30th	28th	25th		6th	3rd	2nd-30th	27th	
<b>Licensing</b>														
Licensing Committee							14th						13th	
Licensing Sub-Comm			9th	7th	4th	8th	6th	10th	8th	12th	9th	8th	5th	
<b>Miscellaneous</b>														
Audit & Governance			29th			21st		30th			1st	28th		
Housing Appeals Panel			8th	6th	3rd	7th	5th	2nd	7th	11th	8th	7th	11th	
Joint Consultative Comm				20th			19th			18th			18th	
Local Councils Liaison				6th				16th				21st		
Appointments Panel		14th-21st												12th-19th
Standards Committee				13th			12th			25th			25th	
<b>Webcast meeting:</b>														
		<u>Easter 2016</u>			<u>Fri 25-Mar-16 - Mon 28-Mar-16</u>				<u>Local/PCC Election</u>			<u>Thu 5-May-16</u>		

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## ***Report to the Council***

**Subject:** Local Council Tax Support Scheme 2015/16

**Committee:** Cabinet

**Date:** 16 December 2014

**Portfolio Holder:** Councillor S A Stavrou  
(Finance)

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### **Recommendations/Decisions Required:**

**(1) That, in view of the responses received during the public consultation and the experience of the first two years of the Scheme, no changes be made to the Scheme for 2015/16, other than the annual uprating of premiums, allowances, non-dependent deductions and any changes to the national pension age scheme that needs to be reflected in the Council's Scheme.**

### **Report:**

#### Proposed Local Council Tax Support Scheme 2015/16

1. In 2013/14, the Government funded Local Council Tax Support (LCTS) with a specific grant, but after that initial year, the funding has been rolled into the Council's overall funding position made up of Revenue Support Grant and locally retained business rates. The specific allocation for LCTS funding is therefore not identifiable, but the overall package has been reduced in 2014/15 and will reduce again in 2015/16. The Department for Communities and Local Government has stated that Members will need to decide on the value of the funding to be used for LCTS.
2. It is proposed that the Epping Forest LCTS scheme for people of working age continues for 2015/16 with the same scheme as for 2014/15 other than the annual uprating of premiums, allowances, non-dependent deductions and any changes to the national pension age scheme that need to be reflected in the Epping Forest scheme.
3. After operating the same scheme for two years, if the current scheme is retained for 2015/16, it will bring some stability for current recipients of LCTS as they will know approximately how much LCTS they will receive and how much Council Tax they will have to pay. There were relatively few queries and complaints in April 2014 when people received their Council Tax demands because people were already familiar with the Council's scheme.
4. The Pan Essex LCTS project group has been looking at how schemes can be changed to both simplify the administration of the schemes and to make further cuts in expenditure on the schemes. However, there are several issues that need to be considered if schemes were changed significantly from the current means testing schemes. The future is uncertain for the benefits provision within Local Government and, whilst local authorities still have Housing Benefit and a specified means testing scheme for people of pensionable age, it is not appropriate to significantly change how LCTS is administered and calculated. In addition, the Department for Communities and Local Government has undertaken to carry out a review of LCTS during 2015/16 and there is also a lack of clarity about long term funding of the scheme and political uncertainties arising from a general election in May 2015.
5. Consultation was undertaken to specifically look at proposals to reduce expenditure on the current working age scheme. The two specific issues were to either change the maximum percentage that people of working age can receive from the current 80%, and/or the inclusion of Child Benefit in the calculation of LCTS entitlement. Child Benefit always used to be included in the calculation of Council Tax Benefit until the previous Government

decided that it should be disregarded. It is however an income into a household which may not be available to other households who have to pay the same amount of Council Tax.

6. Currently, the total expenditure on LCTS is £7,009,000, which is made up of £3,913,000 for elderly recipients and £3,096,000 for working age recipients. It was anticipated that expenditure on the current scheme would total £7,500,000 for 2014/15 and therefore there is an underspend which is primarily due to a decrease in the caseload. The total number of recipients of LCTS has fallen from 8417 in April 2013, to 8132 in March 2014 and, in September 2014, the caseload has reduced further to 7819. If this trend of a reduction in the caseload continues, there will be a reduction in LCTS expenditure without having to make changes to the current scheme to reduce expenditure. Based on the current caseload, if the scheme was not changed, the expenditure will be in the region of £6,800,000.

7. If the scheme is changed to achieve further savings, a change to the maximum percentage of 80% for working age recipients would achieve approximately £40,800 savings per 1%. The inclusion of Child Benefit in the calculation without changing the maximum percentage would achieve savings of £199,000, whilst the inclusion of child benefit and a change to the maximum percentage, would achieve savings of approximately £199,000 plus £40,000 per 1%.

8. As the major impact of any further reduction in LCTS will be on low income working age families, there is a risk of a reduction in the collection rate should this group be asked to pay considerably more towards their Council Tax. With the Government Welfare Reform initiative that is ongoing, it is this same group who is most affected by the social sector under occupancy rule and benefit 'capping'. If there is a significant reduction in the amount of support, there will become a time where people who were paying their Council Tax, albeit that it was difficult for them, will not pay at all because the total amount is impossible for them. The savings outlined above can only be achieved if those sums can be collected.

9. The draft scheme for 2015/16 is shown in appendix 1. The scheme cannot be finalised until the uprating of allowances and premiums by the Department for Work and Pensions, and the Prescribed Requirements Regulations from the Department for Communities and Local Government, are laid before Parliament. These are expected to be late in November / early December.

### Consultation

10. If Members wish to make any changes to the current scheme, we must consult on those changes with the major preceptors (County Council, Police & Fire Authorities) and the public. This includes any changes to make the scheme more beneficial to certain groups as this may have a negative impact on other groups, including taxpayers that do not receive any LCTS.

11. Essex County Council finance officers have attended the majority of the Pan Essex LCTS project group meetings and the Police and the Fire Authority are invited and receive minutes of all the meetings. The Pan Essex Benefit Managers report to the Essex Finance Officers Association where representatives of all the major preceptors are usually in attendance. The Essex Finance Officers Association in turn reports to the Essex Strategic Leaders Forum. The major precepting authorities have therefore been consulted and have indicated that provided the schemes aim to be cost neutral, they will not object to the schemes.

12. Consultation with the public was carried out from 29 August 2014 to 19 October 2014. The consultation was asking for views specifically on retaining the current scheme for 2015/16 and whether the maximum percentage should be changed and/or child benefit included.

13. Some Essex Authorities have already decided that they will not be changing their LCTS scheme for 2015/16 and have therefore not undertaken any consultation. The other

Essex Authorities have been undertaking their own consultations during a similar period. The consultation process was the same as in the previous two years where each Authority has published information on their proposals on their website with a link for responses to Essex County Council who have co-ordinated the responses. People who do not have access to the internet or who wished to give a more detailed response were able to do so directly to the Council.

14. A total of 58 responses were received to the consultation which, although disappointing, is in keeping with the response levels of the other Essex Authorities (and is higher than the 41 responses which were received last year). The results of the consultation are shown in Appendix 2. Respondents were also able to give any additional comments which varied from comments that LCTS needed to be increased, not reduced, that the Council can find savings from elsewhere without penalising the poor, all income should be included so that there is an even playing field for a means tested benefit and that people of pension age should not be protected. Overall, the responses to the consultation that were received did not highlight any issues that would give cause to make major changes to the scheme.

15. The Epping Forest Citizens Advice Bureau submitted a more detailed response and it was felt to be appropriate to meet with the Area Manager to discuss points raised in their consultation response and to advise them of what the Council has already been doing. They had suggested that savings could be made by reducing Council Tax discounts on empty properties and second homes, but both of these have already been reduced, effective from April 2013.

16. They also suggested that more flexible payment arrangements could be introduced, that there could be early intervention for non-payers and more time before a summons is sent. As part of a business case to the major preceptors, funding was secured from April 2013 for dedicated Officers to deal specifically with recipients of LCTS, and this has proved very successful with the Council Tax collection rate being higher than anticipated. We do have a dedicated Vulnerable Person Officer who works with people who are struggling to pay their Council Tax and we do set up payment arrangements that are flexible to suit individual taxpayers. We have also had special Court dates for LCTS recipients to enable the Council Tax Officers to deal specifically with people who have been unable to pay.

17. Another suggestion of the Citizens Advice Bureau was to increase the non-dependent deductions for working age claimants. However, the current level of deduction that is applied can be as high as £11.25 per week. We have not consulted on an increase in the non-dependent deductions and therefore we could not implement this for 2015/16, but it is considered that it would be unreasonable to ask non-dependents to pay significantly more than this amount each week to help to pay the home owners Council Tax liability. Where a person is also a tenant, the current non-dependent deductions can be as much as £102.40 per week that a non-dependent is expected to contribute towards just the rent and Council Tax each week, without any other expenses such as food and fuel. The current non-dependent deductions have caused rifts within families and therefore this is not an option that is reasonable to pursue.

#### Exceptional Hardship Fund

18. In 2013/14 and 2014/15 there has been a small hardship fund to assist households which have been experiencing exceptional hardship. It is anticipated that the current year's budget for this fund will be adequate. The County, Fire and Police are all contributing towards this fund and they have agreed that they will continue with those contributions for 2015/16.

#### Conclusion

19. The LCTS scheme needs to be designed to ensure, as far as possible, stability and sustainability in the Council's finances. LCTS is not a benefit and it is treated as a discount within the Council Tax calculations. This means that the Council's tax base will reduce (as

will the tax base for all other preceptors). The anticipated funding from the Government should cover the lost Council Tax income although the DCLG will not be confirming the actual grant to each Authority until Christmas.

20. We recommend as set out at the commencement of this report.



**Epping Forest District Council**  
**Council Tax Reduction Scheme Policy**  
S13A and Schedule 1a of the Local Government Finance Act 1992

DRAFT

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## 1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1<sup>st</sup> April 2015 until 31<sup>st</sup> March 2016.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2015 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
  - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
  - **Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2014;** and
  - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The Council has **no** discretion in relation to the calculation of Council Tax Reduction in respect of the pension age scheme.

### **The scheme for pension age applicants – Central Government’s scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012**

- 1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;
- a. has attained the qualifying age for state pension credit; and
  - b. is not, or, if he has a partner, his partner is not;
    - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
    - ii. a person with an award of universal credit

The three prescribed classes are as follows;

#### **Class A: pensioners whose income is less than the applicable amount.**

On any day Class A consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons 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;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;

- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority's scheme.

**Class B: pensioners whose income is greater than the applicable amount.**

On any day class B consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does 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;
- d. whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- e. in respect of whom amount A exceeds amount B where;
  - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
  - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- g. not have capital savings above £16,000; and
- h. who has made an application for a reduction under the authority's scheme.

**Class C: alternative maximum Council Tax Reduction**

On any day class C consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;
- c. in respect of whom a maximum Council Tax Reduction amount can be calculated;
- d. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;
- e. who has made an application for a reduction under the authority's scheme; and
- f. in relation to whom the condition below is met.

The condition referred to in sub-paragraph f. is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
  - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
  - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;



- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

#### **Disregard of certain incomes**

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- a. a war disablement pension;
- b. a war widow's pension or war widower's pension;
- c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- d. a guaranteed income payment;
- e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**The provisions outlined above, enhance the Central Government's scheme.**

#### **THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME**

1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). 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 if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.

1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

#### **Class D**

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit<sup>1</sup>; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or

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<sup>1</sup> Section 5 of this scheme

- an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
  - d. is not deemed to be absent from the dwelling;
  - e. 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;
  - f. be somebody in respect of whom a maximum Council Tax Reduction<sup>2</sup> amount can be calculated;
  - g. not have capital savings above £6,000<sup>3</sup>;
  - h. 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*<sup>4</sup> is **less** than their *applicable amount*<sup>5</sup> or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
  - i. has made a valid application for reduction<sup>6</sup>.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

#### Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit<sup>7</sup>; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. 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;
- g. be somebody in respect of whom a maximum Council Tax Reduction<sup>8</sup> amount can be calculated;
- h. not have capital savings above £6,000<sup>9</sup>;
- i. 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*<sup>10</sup> is **more** than their *applicable amount*<sup>11</sup>;
- j. have made a valid application for reduction<sup>12</sup>;
- k. be a person in respect of whom amount A exceeds amount B where
  - (i) amount A is the maximum Council Tax Reduction in respect of the day in the

<sup>2</sup> Sections 57 to 63 of this scheme

<sup>3</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>4</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>5</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>6</sup> Sections 68 to 74a of this scheme

<sup>7</sup> Section 5 of this scheme

<sup>8</sup> Sections 57 to 63 of this scheme

<sup>9</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>10</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>11</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>12</sup> Sections 68 to 74a of this scheme

- (ii) applicant's case; and  
amount B is  $2 \frac{6}{7}$  per cent of the difference between his income for the relevant week and his applicable amount.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

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## Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2015/16

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**DRAFT**

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

## 2.0 Interpretation – an explanation of the terms used within this policy

### 2.1 In this policy–

**‘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 1973;

**‘the 1992 Act’** means the Local Government Finance Act 1992;

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

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

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

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

**‘applicant’** means a person who the authority designates as able to claim Council Tax Support – for the purposes of this policy 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 jobseeker’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;

**‘Back to Work scheme(s)’** means any scheme defined within the Jobseekers (Back to Work Schemes) Act 2013 or Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

**‘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 benefit Acts’** means the Act and the, the Jobseekers Act 1995 and the Welfare Reform Act 2007;

**‘board and lodging accommodation’** means accommodation provided to a family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or repaired meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

**‘care home’** in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;

**‘the Caxton Foundation’** means the charitable trust of that name established on 28th 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 the SSCBA as amended by The Child Benefit (General) and Child Tax Credit (Amendment) Regulations 2014;

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

**'the Children Order'** means the Children (Northern Ireland) Order 1995;

**'claim'** means a claim for council tax support; **'applicant'** means a person claiming council tax support;

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

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

**'the Consequential Provisions Regulations'** means the Housing Benefit and Council tax support (Consequential Provisions) Regulations 2006;

**'contributory employment and support allowance'** means a contributory allowance under Part 1 of the Welfare Reform Act 2007;

**'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;

**'council tax benefit'** means council tax benefit under Part 7 of the SSCBA;

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

**'council tax support (or reduction)'** 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,  
and for the purposes of sub-paragraph (d) 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. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014

**'date of claim'** means the date on which the claim is made, or treated as made, for the purposes of this policy

**'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 purpose 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 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

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

**‘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 statutory maternity pay;

**‘Employment and Support Allowance Regulations’** means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

**‘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). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;

**‘employment zone’** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and 2014 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’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 payment (or reduction)’** means a payment of council tax support payable pursuant to section 60;

**‘extended payment (or reduction) period’** means the period for which an extended reduction is payable in accordance with section 60A or 61A of this policy;

**‘extended payment or extended reduction (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;

**‘the Fund’** means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

**‘a guaranteed income payment’** means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005**(b)**;

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

**‘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;

**‘an income-based jobseeker’s allowance’** and **‘a joint-claim jobseeker’s allowance’** have the same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

**‘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)**;



**‘independent hospital’–**

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

(c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

**‘the Independent Living Fund (2006)’** means the Trust of that name established by a deed dated 10th 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 the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate;

**‘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 section 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 11th 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 7th July 2005;

**‘lone parent’** means a person who has no partner and who is responsible for and 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 29th 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) (No.2) Trust’** means the trust of that name, established on 3rd 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;

**‘mover’** means a applicant who changes the dwelling in which the applicant is resident and in

respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

**'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;

**'the New Deal options'** means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

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

**'non-dependant'** has the meaning prescribed in section 3;

**'non-dependant deduction'** means a deduction that is to be made under section 58;

**'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 as amended by the Public Service Pension Act 2013;

**'ordinary clothing or footwear'** means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

**'partner'** means—

- (a) where an applicant is a member of a couple, the other member of that couple; or
- (b) where an applicant is polygamously married to two or more members of his household, any such member to whom he is married;

**'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;

**'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;

**'pensionable age'** has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

**'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;

**'person on income support'** means a person in receipt of income support;

**'personal independence payment'** as defined within the Welfare Reform Act 2012

**'personal pension scheme'** means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004<sup>13</sup>;
- 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;

**'public authority'** includes any person certain of whose functions are functions of a public

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<sup>13</sup> As amended by the Finance Act 2014

nature;

**'qualifying age for state pension credit'** means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

**'qualifying contributory benefit'** means;

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

**'qualifying income-related benefit'** means

(a) income support;

(b) income-based jobseeker'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 support;

**'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;

**'resident'** has the meaning it has in Part 1 or 2 of the 1992 Act;

**'second authority'** means the authority to which a mover is liable to make payments for the new dwelling;

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

**'self-employment route'** means assistance in pursuing self-employed earner's employment whilst participating in–

a. an employment zone programme;

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

c. the Employment, Skills and Enterprise Scheme;

d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

e. Back to Work scheme.

**'service user group'** means a group of individuals that is consulted by or on behalf of–

a. a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,

b. a landlord authority in consequence of a function under section 105 of the Housing Act 1985,

c. a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995,

d. a public authority in consequence of a function relating to disability under section 49 of the Equality Act 2010;

e. a best value authority in consequence of a function under Section 3 of the Local Government Act 1999,

f. a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,

g. a Local Health Board in consequence of a function under section 183 of the National

- Health Service (Wales) Act 2006,
- h. the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008,
  - i. the regulator or a private registered provider of social housing in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008, or
  - j. a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

**'single applicant'** means an applicant who neither has a partner nor is a lone parent;

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

**'special account'** means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;

**'sports award'** means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

**'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 6th April in one year and ending with 5th 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, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

**'Up-rating Act'** means the Welfare Benefit Up-rating Act 2013 and The Welfare Benefits Up-rating Order 2014;

**'voluntary organisation'** means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

**'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;

**'water charges'** means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

**'week'** means a period of seven days beginning with a Monday;

**'Welfare Reform Act'** means the Welfare Reform Act 2007;

**'Working Tax Credit Regulations'** means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended<sup>14</sup>; and

**'young person'** has the meaning prescribed in section 9(1).

2.2 In this policy, 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 policy, 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 policy, 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).

2.4A For the purposes of this policy, 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;

<sup>14</sup> The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013

- (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.

2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this policy, 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 policy, 'non-dependant' means any person, except someone to whom paragraph 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 paragraph 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 paragraph 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 paragraph 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 and 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<sup>15</sup>**

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 Paragraph 4.2 shall not apply—  
a. in the case of a child or young person in respect of whom council tax support is claimed;  
b. to a person who;  
i. is a person in respect of whom a claim for council tax support is made;  
ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;  
iii. is a person from abroad for the purposes of this scheme; and  
iv. has not previously been allocated a national insurance number.

#### **5.0 Persons who have attained the qualifying age for state pension credit**

5.1 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 an income-related 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 paragraph 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

<sup>15</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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 paragraph 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 paragraph 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 jobseeker'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 sports award has been made, or is to be made, to him; and
  - no other payment is made or is expected to be made to him.

## **7.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control**

### **Persons treated as not being in Great Britain**

- 7.1 Persons treated as not being in Great Britain 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.
- 7.2 Except where a person falls within 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 paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—
- regulation 13 of the EEA Regulations or Article 6 of Council Directive 2004/38/EC;
  - regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
    - a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
  - Article 45 of the Treaty on the functioning of the European Union (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); or



- (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 enjoyment of their rights as a European Union citizen).

7.5 A person falls within this paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations(5) as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-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 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st 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 where that leave is—
  - (i) discretionary leave to enter or remain in the United Kingdom,
  - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
  - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support, an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
- (i) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”)

7.6 A person falls within this 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 of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—

“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

“Crown servant” means a person holding an office or employment under the Crown;

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and

“Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

#### **Persons subject to immigration control**

7.9 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.

7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9

7.11 "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 that 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 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
  - i. the person resides in that accommodation;
  - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
  - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- b. a period of absence not exceeding 13 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 13 weeks; and

- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, 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;
  - iii. the person is a person to whom paragraph 8.4 applies; and
  - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;

- i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or

- ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;

- b. resident in a hospital or similar institution as a patient;

- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

- d. following, in the United Kingdom or elsewhere, a training course;

- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;

- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving

- medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
  - h. a student;
  - i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
  - j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.5 This paragraph applies to a person who is:
- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
  - b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989
- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
  - c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident
- 8.7 In this section;
- ‘medically approved’ means certified by a medical practitioner;
  - ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
    - a. in a care home;
    - b. in an independent hospital;
    - c. in an Abbeyfield Home; or
    - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
  - ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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**Sections 9 - 11**

**The family for Council Tax Support purposes**

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## 9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
  - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
  - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
  - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
  - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
  - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'

A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These 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 Paragraph 9.1 the definition of a 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; or has an award of Universal Credit; or
  - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 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 paragraph 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 paragraph 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 paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

11.2 A child or young person shall not be treated as a member of the applicant's household where he is—

- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—

- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

11.4 An authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;

- a. that child or young person lives with the applicant for part or all of that reduction week; and
- b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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**Sections 12 – 14 & Schedule 1**

**Applicable Amounts for Council Tax Support purposes**



## **12.0 Applicable amounts**

- 12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;
- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
  - b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
  - c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
  - d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
  - e. the amount of either the
    - i. work-related activity component; or
    - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
  - f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

## **13.0 Polygamous marriages**

- 13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;
- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
  - b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this scheme in respect of each of his other partners;
  - c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts or living allowances) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
  - d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this scheme (family premium);
  - e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
  - f. the amount of either the;
    - i. work-related activity component; or
    - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
  - g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

## **14.0 Applicable amount: persons who are not pensioners who have an award of universal credit**

- 14.1 In determining the applicable amount for a week 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 maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

(2) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(3) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

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**Sections 15 – 32 & Schedules 3 & 4**

**Definition and the treatment of income for Council Tax Support purposes**

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

- 15.1 The income and capital of:
- a. an applicant; and
  - b. any partner of that applicant,

is to be calculated in accordance with the following provisions.

- 15.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

- 15.3 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.

**15A.0 Calculation of income and capital: persons who are not pensioners who have an award of universal credit**

- 15A.1 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 or estimate of the income 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.

- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
  - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
  - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
  - (d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
  - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

- 15A.3 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.

- 15A.4 sections 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)

- 15A.5 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

**16.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's**

16.1 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.

16.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 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.

**17.0 Calculation of income on a weekly basis**

17.1 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 paragraph 18.2 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.

17.2 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.

17.3 The maximum deduction to which paragraph 17.1 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.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which an applicant is treated as possessing under section 32 (notional income).

## **18.0 Treatment of child care charges**

- 18.1 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 sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 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.
- 18.3 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.
- 18.4 In a case to which paragraph 18.2 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.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 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.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 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.

- 18.8 The care to which paragraph 18.7 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 eight 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 eight 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 daycare 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.

18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

18.10 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 the care.

18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where

- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
  - b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
  - c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being 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 or personal independence payment under the Welfare Reform Act 2012;
    - v. increase of disablement pension under section 104 of the Act;
    - vi. 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;
    - vii. main phase employment and support allowance;
  - 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. 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
  - i. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- 18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) 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.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to 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.

18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—

- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

18.14 For the purposes of paragraph 18.1 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 paragraph 18.15 ('the relevant period') provided that—

- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—

- a. the date that leave ends;
- b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- a. 'qualifying support' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- b. 'child care element' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

18.17 In this section 'applicant' does not include an applicant;

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit

## **19.0 Average weekly earnings of employed earners**

19.1 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 19.1a 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.

19.2 Where the applicant has been in his employment for less than the period specified in paragraph 19.1 a)(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.

19.3 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.

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

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

20.1 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.

20.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with section 27 to 29 of this scheme

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

21.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 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 an authority to disregard any such income other than that specified in Schedule 4 of this scheme

21.2 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.

21.3 For the purposes of this section income other than earnings shall be calculated in accordance

with paragraphs 30 to 32 of this scheme

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

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

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3

22.3 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.

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

## **23.0 Calculation of weekly income**

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (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 quotient by 7.

23.2 For the purpose of section 20 (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 quotient by 7.

## **24.0 Disregard of changes in tax, contributions etc.**

24.0 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.

## **25.0 Earnings of employed earners**

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended<sup>16</sup>.

25.2 Earnings shall not include—

- a. subject to paragraph 25.3, 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 in a service user group.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)

## **26.0 Calculation of net earnings of employed earners**

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of

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<sup>16</sup> Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

- 26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 14 of Schedule 3.
- 26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 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 paragraph 26.5 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.
- 26.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 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.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment 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.

## **27.0 Earnings of self-employed earners**

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner,

means the gross income of the employment 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.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments 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.

27.3 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.

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 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 shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of council tax support which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

## **28.0 Calculation of net profit of self-employed earners**

28.1 For the purposes of section 20 (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 social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
  - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to paragraphs 28.5 to 28.7, 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) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
  - c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 28.4 For the purposes of paragraph 28.1b) 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 paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, 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.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 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.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt–
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
  - b. a deduction shall be made thereunder in respect of–
    - i. the excess of any value added tax paid over value added tax received in the assessment period;
    - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 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. social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
  - c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution
- 28.10 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.

28.11 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 divided the product by 365;
- b. in any other 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.

28.12 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.

## **29.0 Deduction of tax and contributions of self-employed earners**

29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) 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.

29.2 The amount to be deducted in respect of social security contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a 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 exception) 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.

29.3 In this section 'chargeable income' means—

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

## **30.0 Calculation of income other than earnings**

30.1 For the purposes of section 21 (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 paragraphs 27.2 to 27.4, be his gross income and any capital treated as income under section 31 (capital treated as income).



- 30.2 There shall be disregarded from the calculation of an applicant's gross income under paragraph 30.2, any sum, where applicable, specified in Schedule 4.
- 30.3 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 paragraph 30.1 shall be the gross amount payable.
- 30.4 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, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 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 paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 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.
- 30.8 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 paragraph 30.1 in respect of a person to whom paragraph 30.7 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 paragraph 51.5  
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction 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 paragraph 51.2 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 reduction weeks in the assessment period.
- 30.9 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 paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 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 paragraph 51.5
- 30.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 43 to 45, '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 date is earlier

‘quarter’ in relation to an assessment period means a period in that year beginning on;

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or
- d. 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (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 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 paragraph 3 of Schedule 8 to the Immigration and Asylum Act.

### **31.0 Capital treated as income**

31.1 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 33 to 42 of this scheme exceeds £6,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income

31.5 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 periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

### **32.0 Notional income**

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 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 paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
  - e. any sum to which paragraph 48(a) of Schedule 5 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 paragraph 32.13 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.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 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-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.

32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation–
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a previous participation in the Mandatory Work Activity Scheme;
- e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–

- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or 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.

32.8 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 1st 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 1st 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.

32.9 Subject to paragraph 32.10, 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.

32.10 Paragraph 32.9 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 Jobseeker'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.

32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.

32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), 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.

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 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 26 (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 is treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- 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 payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) 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 in a service user group.

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**Sections 33 – 42 & Schedule 5**

**Definition and the treatment of capital for Council Tax Support purposes**

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### **33.0 Capital limit**

33.1 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

### **34.0 Calculation of capital**

34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

### **35.0 Disregard of capital of child and young person**

35.1 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.

### **36.0 Income treated as capital**

36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

36.2 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.

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, 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.

36.5 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.

36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

36.7 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.

36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

### **37.0 Calculation of capital in the United Kingdom**

37.1 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;

### **38.0 Calculation of capital outside the United Kingdom**

38.1 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 a 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.

### **39.0 Notional capital**

39.1 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 40 (diminishing notional capital rule).

39.2 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 paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 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.

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made

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



- 39.4 Paragraph 39.3 shall not apply in respect of a 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 or the London Bombings 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;
  - c. in respect of a person's participation in the Mandatory Work Activity Scheme;
  - d. Enterprise Scheme;
  - e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
  - f. 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.
- 39.5 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 a case
- (a) the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
  - (b) he shall, subject to paragraph 39.6, 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.
- 39.6 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 paragraph 39.5 shall be disregarded.
- 39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.
- 40.0 Diminishing notional capital rule**
- 40.1 Where an applicant is treated as possessing capital under section 39.1 (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 paragraph 40.2 are satisfied; or
    - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
  - (b) in the case of a week in respect of which paragraph 40.1(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 paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that

- (a) he is in receipt of council tax support; and
- (b) but for paragraph 39.1, he would have received an additional amount of council tax support in that week.

40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of

- (a) the additional amount to which sub-paragraph 40.2 (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 paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations (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 paragraph 40.2 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 paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations (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 paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).

40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 39.1, 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 but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
  - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
  - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
- (c) 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

- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, 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
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, 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.

40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in paragraph 40.6 are satisfied, and in such a case—

- (a) sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- (b) subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

40.6 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 paragraph 39.1;
  - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, 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 paragraph 39.1.

40.7 The amount as re-determined pursuant to paragraph 40.5 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.

40.8 For the purposes of this section

- (a) 'part-week'
  - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
  - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
  - (iii) in paragraph 40.4 (c),(d) and (e) means—
- (aa) a period of less than a week which is the whole period for which income support, an

income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and

- (bb) any other period of less than a week for which it is payable;
- (b) 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
  - (i) was first taken into account for the purpose of determining his entitlement to council tax support; or
  - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to 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 support;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.

#### **41.0 Capital jointly held**

- 41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated 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

#### **42.0 Not used**

DRAFT

**Sections 43 - 56**

**Definition and the treatment of students for Council Tax Support purposes<sup>17</sup>**

**DRAFT**

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<sup>17</sup> Amounts shown in sections 43 to 56 will be uprated in line with the Housing Benefit Regulations 2006 (as amended)

### 43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

**'access funds'** means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

**'college of further education'** means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

**'contribution'** means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
  - (i) the holder of the allowance or bursary;
  - (ii) the holder's parents;
  - (iii) the 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
  - (iv) the holder's spouse or civil partner;

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

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

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

**'full-time course of study'** means a full time course of study which;

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

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

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

**'grant income'** means

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

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

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the 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;

- c. 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 regulation 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 the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

**'student'** means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

**'student loan'** means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

43.2 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 a 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.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, 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.

#### **44.0 Treatment of students**

44.1 The following sections relate to students who claim Council Tax Support

#### **45.0 Students who are excluded from entitlement to council tax support**

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes A and B of the Council's reduction scheme.

45.2 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 aboard).

45.3 Paragraph 45.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
  - (i) aged under 21 and whose course of study is not a course of higher education, or
  - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (j) 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.

45.3A For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(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.

45.5 In paragraph 45.3(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.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 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.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 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 paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 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.

#### **46.0 Calculation of grant income**

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

- 46.2 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 III of the Children Act 1989.
- 46.3 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).
- 46.4 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.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
  - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 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.
- 46.7 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 paragraph 46.6 nor section 50 (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.

46.8 In the case if 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.

#### **47.0 Calculation of covenant income where a contribution is assessed**

47.1 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 paragraph 47.3, the amount of the contribution.

47.2 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 paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and  
(b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

#### **48.0 Covenant income where no grant income or no contribution is assessed**

48.1 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 paragraph 46.2 (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 paragraph 46.2(f) and 46.3 (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 of which £5 shall be disregarded.

48.2 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 paragraph 48.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

#### **49.0 Student Covenant Income and Grant income – non disregard**

49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme

## **50.0 Other amounts to be disregarded**

50.1 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 paragraph 46.2 (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 paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

## **51.0 Treatment of student loans**

51.1 A student loan shall be treated as income.

51.2 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 last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st 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 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
  - (i) the first day of the first reduction week in September; or
  - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

- 51.3 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.
- 51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (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.
- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (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).

#### **51A.0 Treatment of fee loans**

- 51A. 1A 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 as income.

#### **52.0 Treatment of payments from access funds**

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- 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.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st 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.

**53.0 Disregard of contribution**

53.1 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 other 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.

**54.0 Further disregard of student's income**

54.1 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.

**55.0 Income treated as capital**

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

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

55.3 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 the payment.

**56.0 Disregard of changes occurring during summer vacation**

56.1 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 57 – 63**

**The calculation and amount of Council Tax Support**

DRAFT



## 57.0 Maximum council tax support

57.1 Subject to paragraphs 57.2 to 57.4, 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 80 per cent, of the amount A divided by B where;

- (a) A is the **lower** of either;
  - i. 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; or
  - ii. the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band D subject to any discount which may be appropriate to the person's circumstances; and
- (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 58 (non-dependant deductions).

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

57.2 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.

57.3 Subject to paragraph 57.4, 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 paragraph 45.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

## 58.0 Non-dependant deductions<sup>18</sup>

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum Council Tax Reduction) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £11.25 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £3.70 x 1/7.

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

- (a) less than £188.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £188.00, but less than £326.00, the deduction to be made under this section shall be £7.45;
- (c) not less than £326.00, but less than £406.00, the deduction to be made under this section shall be £9.40;

<sup>18</sup> The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- 58.3 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.
- 58.4 In applying the provisions of paragraph 58.2 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.
- 58.5 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 spouses 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.
- 58.6 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 by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
  - b. receiving in respect of himself:
    - attendance allowance, or would be receiving that allowance but for:
      - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
      - ii. an abatement as a result of hospitalisation; or
    - the care component of the disability living allowance, or would be receiving that component but for:
      - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
      - ii. an abatement as a result of hospitalisation; or
  - c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- 58.7 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;
  - e. 'patient' has the meaning given within this scheme, and
  - f. 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;

- g. he is not residing with the claimant because he is a member of the armed forces away on operations

58.8 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.

58.9 In the application of paragraph 58.2 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

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).

#### **59.0 Council tax support taper (applies to persons defined within Class E)**

59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be  $2 \frac{6}{7}$  per cent. Where an applicant's income exceeds their applicable amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this scheme

#### **59A Minimum Council Tax Support**

59A.1 The amount of a person's minimum council tax support in respect of a day for which he is liable to pay council tax, shall be  $0.50p \times \frac{1}{7}$

#### **60.0 Extended reductions**

60.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction 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,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; and
- (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.

60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

60.3 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.

60.4 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 paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

#### **60A.0 Duration of extended reduction period**

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.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.

60A.3 The extended reduction 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 reduction is payable has no liability for council tax, if that occurs first.

#### **60B.0 Amount of extended reduction**

60B.1 For any week during the extended reduction period the amount of the extended reduction 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 reduction 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 reduction week during the extended reduction period, if section 60 (extended reductions) 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 60 did not apply to the

applicant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where an applicant is in receipt of an extended reduction 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 reduction period.

#### **60C Extended reductions – movers**

60C.1 This section applies;

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

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

60C.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 an extended reduction 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 reduction until the end of the extended reduction period.

#### **60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement**

60D.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 paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

#### **61.0 Extended reductions (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 reduction (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 reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

61.2 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where;

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

#### **61A.0 Duration of extended reduction period (qualifying contributory benefits)**

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.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.

61A.3 The extended reduction 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 reduction (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

#### **61B.0 Amount of extended reduction (qualifying contributory benefits)**

61B.1 For any week during the extended reduction period the amount of the extended reduction (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 reduction 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 reduction week during the extended reduction 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.

61B .2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where an applicant is in receipt of an extended reduction (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 reduction period.

**61C.0 Extended reductions (qualifying contributory benefits) – movers**

61C.1 This section applies;

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

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to–

- (a) the second authority; or
- (b) the mover directly.

61C.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 an extended reduction (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 reduction (qualifying contributory benefits) until the end of the extended reduction period.

**61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement**

61D.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 paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

**61E.0 Extended reductions: - Movers Generally<sup>19</sup>**

61E.1 Where;

- a. an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- b. the applicant, or the partner of the applicant, is in receipt of an extended reduction from
- c. (i) another billing authority in England;  
(ii) a billing authority in Wales;  
(iii) a local authority in Scotland; or  
(iv) a local authority in Northern Ireland.

the current billing authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

<sup>19</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Sections 64 – 67**

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

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

64.1 Subject to paragraph 64.2, 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 reduction week following the date on which that claim is made or is treated as made.

64.2 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 the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

**65.0 - 66.0 Not Used**

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

67.1 Except in cases where section 24 (disregard 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 an authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

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

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

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction 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 a 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.

**Sections 68– 74A**

**Claiming and the treatment of claims for Council Tax Support purposes**

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## **68.0 Who may claim<sup>20</sup>**

68.1 In the case of a couple or members of a polygamous marriage an application shall 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 apply, 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 paragraph (2) does not apply to him, an 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 the authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5);

- (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 shall terminate when the authority is notified of the appointment of a person mentioned in paragraph (2).

68.5 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 paragraph (3).

68.6 Anything required by an 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 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.

## **69.0 Procedure by which a person may apply for a reduction under an authority's scheme<sup>21</sup>**

69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.

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<sup>20</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>21</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 69.2 An application may be made—
- (a) in writing,
  - (b) by means of an electronic communication in accordance with section 101 to 106 of this policy or
  - (c) (where the authority has published a telephone number for the purpose of receiving such applications) by telephone.
- 69.3 (1) An application which is made in writing must be made to the offices of the authority on a properly completed form.  
(2) The form will be provided free of charge by the authority for the purpose.
- 69.4. Where an application received by the authority 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.
- 69.5. (1) Where an application made in writing is defective because—
- (a) the form provided by the authority has not been properly completed; or
  - (b) if it is made in writing, but not on the form provided by the authority, and the authority does not consider the application as being in a written form which is sufficient in the circumstances of the case;
- the authority may request the applicant to complete the defective application or (as the case may be) supply the applicant with the form to complete or request further information or evidence.
- (2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 69.6. (1) If an application made by electronic communication is defective the authority will 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.
- 69.7. 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.
- 69.8. (1) If an application made by telephone is defective the authority will 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.
- 69.9 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

69.10 Where an applicant ('C')—

- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
- (b) from a day, in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period), the claim is to be treated as made on the date determined in accordance with paragraph 69.11

69.11 The date is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 3 months before the date the claim was made;
- (c) the day 3 months before the date when C requested that the claim should include a past period.

#### **69A.0 Date on which a claim made**

69A.1 Subject to sub-paragraph (7), the date on which an application is made is

- (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 for a reduction under this scheme 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 to the authority is received at the authority's offices within one month of the date of the change,the date on which the change takes place;
- (c) in a case where—
  - (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
  - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,the date of the death or separation;
- (d) except where paragraph (a), (b) or (e) 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 the 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 the application is received at the offices of the authority.

69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the

Jobseekers Act 1995 (waiting days); or  
(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),  
have been entitled to that allowance.

- 69A.3 Where the 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 is to 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 is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.
- 69A.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.
- 69A.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 approved form or further information requested by 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.
- 69A.6 Except in the case of an application made by a person treated as not being in United Kingdom, 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 this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in United Kingdom, where the applicant is not entitled to a reduction under this scheme in the reduction 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 this scheme for a period beginning not later than
- (a) in the case of an application made by a pensioner, the seventeenth reduction week following the date on which the application is made, or
  - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
- the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- 69A.8 Sub-paragraph (7) applies in the case of 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.

**70.0 Submission of evidence electronically**

70.1 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

**71.0 Use of telephone provided evidence**

71.1 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

**72.0 Evidence and information<sup>22</sup>**

72.1 Subject to paragraph (2), a person who makes an application, or a person to whom a reduction under an authority's scheme has been awarded, shall 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 the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and shall do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.2 Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (4) applies.

72.3 Where a request is made under sub-paragraph (1), the authority shall;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed, 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 is to be notified.

72.4 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 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 29(9)(b) or (c) (non-dependant deductions) or paragraph 2(b) or (c) of Schedule 4 (second adult's gross income) other than a payment under the Independent Living Fund (2006).

72.5 Where an applicant or a person to whom a reduction under this 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

<sup>22</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

the personal pension scheme to be identified.

**73.0 Amendment and withdrawal of claim**<sup>23</sup>

- 73.1 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 offices of the authority.
- 73.2 Where the application was made by telephone in accordance with this scheme, the amendment may also be made by telephone.
- 73.3 Any application amended in accordance with paragraph (1) or (2) will be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.
- 73.5 Where the application was made by telephone in accordance with this scheme, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.

**74.0 Duty to notify changes of circumstances**<sup>24</sup>

- 74.1 Subject to paragraph (2), if at any time between the making of an application to an authority and a decision being made on it there is a change of circumstances which the applicant (or any person acting on his behalf) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under that authority's scheme, that person is under a duty to notify that change of circumstances by giving notice to the authority;
- (a) in writing; or
  - (b) by telephone;
    - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
    - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
  - (c) by any other means which the authority agrees to accept in any particular case.
- 74.2 The duty imposed on a person by sub-paragraph (1) does not extend to notifying changes in;
- (a) the amount of a council tax payable to the authority;
  - (b) the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or who has an award of universal credit, in circumstances which affect the amount of income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit.
- 74.3 Notwithstanding paragraph (2)(b) or (c) an applicant is required by paragraph (1) to notify the

<sup>23</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>24</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012



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 ceases to be a child or young person.

- 74.4 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 authority may use a date later than the actual change of circumstances

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**Sections 75- 90**

**Decisions, decision notices and awards of Council Tax Support**

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**75.0 Decisions by the authority<sup>25</sup>**

75.1 An authority must make a decision on an application for a reduction under its scheme within 14 days or as soon as reasonably practicable thereafter.

**76.0 Notification of decision<sup>26</sup>**

76.1 The authority must notify in writing any person affected by a decision made by it under this scheme

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- (a) informing the person affected of the duty imposed by paragraph 74.1;
- (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.

76.3 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.

76.4 The written statement referred to in sub-paragraph (3) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.5 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (6).

76.6 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 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 under paragraph 68.2

<sup>25</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>26</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**77.0 Time and manner of granting council tax support<sup>27</sup>**

77.1 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 inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 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 insufficient 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.

77.4 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).

**78.0 Persons to whom support is to be paid<sup>28</sup>**

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

78.2 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

<sup>27</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>28</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

#### **79.0 Shortfall in support / reduction<sup>29</sup>**

79.1 Where, on the revision of a decision allowing a reduction under an 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 reasonable practicable, as soon as possible afterwards.

#### **80.0 Payment on the death of the person entitled<sup>30</sup>**

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction 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.

#### **81.0 Offsetting**

81.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

**82 – 90.0 Not used**

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<sup>29</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>30</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Sections 91 – 94**

**Collection, holding and forwarding of information for Council Tax Support purposes**

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**91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)**

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, 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 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements<sup>31</sup>.

**92.0 Collection of information**

92.1 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

92.2 The authority may verify relevant information supplied to, or obtained.

**93.0 Recording and holding information**

93.1 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.

**94.0 Forwarding of information**

94.1 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.

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<sup>31</sup> Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

**Sections 95 – 98**

**Revisions, Written Statements, Termination of Council Tax Support**

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## **95.0 Persons affected by Decisions**

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority here 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;

## **96.0 Revisions of Decisions**

- 96.1 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.
- 96.2 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

## **97.0 Written Statements**

- 97.1 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 the notification being issued by the authority.

## **98.0 Terminations**

- 98.1 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.
- 98.2 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 99**

**Appeals against the authority's decisions**

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**99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>32</sup>**

- 99.1 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.
- 99.2 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.
- 99.3 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<sup>33</sup>.

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<sup>32</sup> Inserted by Council Tax Reduction Scheme-s (Prescribed Requirements) (England) Regulations 2012

<sup>33</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014

**Section 100**

**Procedure for applying for a discretionary reduction**

DRAFT

**100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act<sup>34</sup>**

**100.1** An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with this scheme

**100.2** An application to the authority for a reduction not in accordance with paragraph 1 on the grounds of Exceptional Hardship under this scheme must be made:

- (a) in writing,
- (b) by any means acceptable to the authority.

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<sup>34</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Section 101 – 106A<sup>35</sup>**  
**Electronic Communication**

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<sup>35</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

### **101.0 Interpretation**

- 101.1 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.

### **102.0 Conditions for the use of electronic communication**

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 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.
- 102.4 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.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 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.
- 102.7 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.
- 102.8 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.

### **103.0 Use of intermediaries**

- 103.1 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 those matters.

### **104.0 Effect of delivering information by means of electronic communication**

- 104.1 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 conditions imposed:

- a. by this section; and
  - b. by or under an enactment,
- are satisfied.

104.2 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).

104.3 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.

#### **105.0 Proof of identity of sender or recipient of information**

105.1 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.

#### **106.0 Proof of delivery of information**

106.1 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.

106.2 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.

106.3 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.

#### **106A.0 Proof of content of information**

106A.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 107**

**Counter Fraud and Compliance**

DRAFT

### **107.0 Counter Fraud and compliance**

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it 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.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

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**Schedule 1**  
**Applicable Amounts<sup>36</sup>**

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<sup>36</sup> <sup>36</sup> The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

### Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£72.40
b) is aged not less than 25	£72.40
c) is aged not less than 18 but less than 25	£57.35
2. Lone Parent	£72.40
3. Couple;	£113.70
a) Where the applicant is entitled to the main phase of employment and support allowance	
b) Where one member is aged not less than 18	£113.70
c) Polygamous Addition	£41.30

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) 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;	£66.33
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£66.33

(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

### Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
  - b. in any other case, £17.45;

### **Premiums**

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely—
  - a. severe disability premium to which paragraph 10 applies;
  - b. an enhanced disability premium to which paragraph 11 applies;
  - c. a disabled child premium to which paragraph 12 applies; and
  - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
  - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
  - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

### **Disability Premium**

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

### **Additional Condition for the Disability Premiums**

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

### **Severe Disability Premiums**

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

### **Enhanced Disability Premium**

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

### **Disabled Child Premium**

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

### **Carer Premium**

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

### **Persons in receipt of concessionary payments**

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-

payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

**Persons in receipt of benefit for another**

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

**Amounts of Premium**

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
<b>Disability Premium</b>	£31.85
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£45.40
<b>Severe Disability Premium</b>	£61.10
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£61.10
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£122.20
<b>Disabled Child Premium</b>	£59.50 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
<b>Carer Premium</b>	£34.20 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
<b>Enhanced Disability Premium</b>	(a) £24.08 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £15.55 in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect

	of whom the conditions specified in paragraph 15 are satisfied; (c) £22.35 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.
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**The components**

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £28.75. The amount of the support component is £35.75.

**Transitional Addition**

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

**Amount of transitional addition**

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

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**Schedule 2**

**Not Used**

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**Schedule 3**

**Sums to be disregarded in the calculation of earnings<sup>37</sup>**

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<sup>37</sup> All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
  - (a) where—
    - (i) the employment has been terminated because of retirement; and
    - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,  
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
  - (b) where before the first day of entitlement to council tax support the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
    - (i) any payment of the nature described in  
(aa) paragraph 25.1(e), or  
(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds);  
and
    - (ii) any award, sum or payment of the nature described in  
(aa) paragraph 25.1(g) or (h), or  
(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),  
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
  - (c) where before the first day of entitlement to council tax support—
    - (i) the employment has not been terminated, but
    - (ii) the applicant is not engaged in remunerative work,  
any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax support;
  - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
  - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,  
any earnings paid or due to be paid in respect of that employment except;
    - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
    - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).

- 2A. In the case of an applicant who has been engaged in remunerative work or part-time

employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3.
  - (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
  - (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
  - (3) This paragraph applies where
    - (a) the is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
    - (b) the or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
  - (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5.
  - (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
  - (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
  - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
  - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings

derived from one or more employments as–

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

- (2) If the applicant's partner is engaged in employment;
  - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
  - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

**9.** Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

**10.** In a case to which none of the paragraphs 3 to 9 applies, £5.

**10A.** (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
  - (b) in receipt of incapacity benefit;
  - (c) in receipt of severe disablement allowance; or
  - (d) being 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
- (6) 'Exempt work' means work of the kind described in;
- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
  - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
- and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
- 11.** Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 12.** Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 13.** Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 14.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
- 15.** Any earnings of a child or young person.
- 16.** (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
  - (b) the applicant—
    - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
    - (ii) is a member of a couple and
      - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
      - (bb) his applicable amount includes a family premium; or
    - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
    - (iv) is, or if he is a member of a couple, at least one member of that couple is

engaged in remunerative work for on average not less than 16 hours per week;  
and;

(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or

(c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1);

(a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and

(c) £17.10

(4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

**17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

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**Schedule 4**

**Sums to be disregarded in the calculation of income other than earnings<sup>38</sup>**

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<sup>38</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

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).
- A2. 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.
- A3. 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 or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. 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 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. 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.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st 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 5th 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.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
  - (a) any payment specified in paragraph 7 or 10;
  - (b) income support;
  - (c) an income-based jobseeker's allowance.
  - (d) an income-related employment and support allowance.
9. 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.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.



- 12.** (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 (payment of school expenses; grant of scholarships etc);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
    - (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
    - (iii) 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).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
  - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) 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.
- 15** (1) Subject to sub-paragraph (2), any of the following payments;
- (a) a charitable payment;
  - (b) a voluntary payment;
  - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury

- to the applicant;
    - (d) a payment under an annuity purchased;
      - (i) pursuant to any agreement or court order to make payments to the applicant; or
      - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
    - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
  - (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by—
    - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
    - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
- (a) widowed mother's allowance paid pursuant to section 37 of the Act;
  - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of—
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
  - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of

the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;

(b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,  
an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
  - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,  
and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
- (a) the weekly amount of the payments; or
  - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),  
whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non- dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
  - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
  - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.

- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
  - (b) not used
  - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
  - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
  - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** 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).
- 28.** 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
- 29.** 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).
- 29A.** (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.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
- (b) meet any amount due by way of premiums on—
- (i) that policy; or
- (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income

where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.

- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
- (a) the person who is suffering from haemophilia or who is a qualifying person;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
  - (b) the payment is made either;
    - (i) to that person's parent or step-parent, or
    - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
- but only for a period from the date of the payment until the end of 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.

- 37.** Any housing benefit.
- 38.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 39. - 40.** not used
- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—  
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);  
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);  
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).  
(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).
- 46.** 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).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

**48A.** (1) £15 of 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.

**49.** Not used

**50.** 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.

**51.** Any guardian's allowance.

**52.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

**53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

**54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**55** (1) Any payment which is

- (a) made under any of the Dispensing Instruments to a widow, widower or
- (b) surviving civil partner of a person;

(i) whose death was attributable to service in a capacity analogous to service as



a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

- 55A.** Any council tax support or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—  
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;  
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,  
in respect of which such assistance is or was received.  
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 59.** (1) Any payment of a sports award 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.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** 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.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (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.

- 64. Not used
- 65. Not used
- 66. Any payment of child benefit.

#### Schedule 5

#### Capital to be disregarded<sup>39</sup>

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<sup>39</sup> Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

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.
- A2. 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.
- A3. 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 or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. 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.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. 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.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. 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.
7. 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.
8.
  - (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.

(3) 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.

9. (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.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th 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.

(3) 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.

10. 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 to be 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, replacement or improvement.

- 11.** 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.
- 12.** 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.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any 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.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.  
  
(2) But sub-paragraph (1)
  - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
  - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
  - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
  - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.  
  
(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** 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

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).

**19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

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

**20.** Any social fund payment made pursuant to Part 8 of the Act.

**21.** 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.

**22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.

**23.** 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.

**24.** (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 benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a

member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
  - (i) to that person's parent or step-parent; or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of 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 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.

**25.** (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

**26.** 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.

**27.** 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.

28. 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.
29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. 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.
34. 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).
35. 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.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
  - (a) to purchase premises intended for occupation as his home; or
  - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
  - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service



(Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

- 41.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** 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.
- 43.** 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.
- 44.** Not used
- 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) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax support), the whole of his capital.  
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax support), sub-paragraph (1) shall not have effect.
- 47.** (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 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) 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.

- 48.** 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.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** 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.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 53.** (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).

**53A.-53B.** Not used

54. 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.
55. 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.
56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st 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.

57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
  - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
  - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person—
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
  - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,whichever 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- Jakob 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- Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
- 'trust payment' means a payment under a relevant trust.
- 58.** 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 had died,
- during the Second World War.
- 59** (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.
- 60.** 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).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section

14F of the Children Act 1989 (special guardianship support services).

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<b>1: Should the Council make any changes to the existing Local Council Tax Support scheme?</b>		
	Response Total	Response Percentage
Yes	25	44%
No	25	44%
Don't know	7	12%
	Total Respondents	57

<b>2: If the Council has a reduction in the Government funding for Local Council Tax Support, how should the Council fund the shortfall?</b>			
	Yes	No	Response Total
<b>Change the scheme to reduce the amount of LCTS paid?</b>	29.41% (15)	70.59% (36)	51
<b>Increase the Council Tax</b>	16.33% (8)	83.67% (41)	49
<b>Cut services provided by the County, District, Town &amp; Parish Councils</b>	32% (16)	68% (34)	50
	Total Respondents		57

<b>3: Currently the maximum Local Council Tax Support that can be paid to people of working age is 80% of their Council Tax liability. If the Council has to make changes to the scheme, should the maximum percentage be reduced to fund the shortfall?</b>		
	Response Total	Response Percentage
Yes	13	23%
No	43	75%
Don't know	1	2%
	Total Respondents	57

<b>4: Currently Child Benefit is not counted as income for Local Council Tax Support yet it is income that is actually received. Should Child Benefit be included as income for Local Council Tax Support?</b>		
	Response Total	Response Percentage
Yes	19	33%
No	36	63%
Don't know	2	4%
	Total Respondents	57

<b>5: In 2013/14 there is a small Exceptional Hardship Fund to help people to pay their Council Tax where they are experiencing severe hardship. Should this fund be continued in 2014/15?</b>		
	Response Total	Response Percentage
Yes	38	67%
No	12	21%
Don't know	7	12%
	Total Respondents	57

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## SCRUTINY



### **Report to Council**

**Date of meeting: 16 December 2014**

**Subject: Overview and Scrutiny Report to Council – November 2014**

**Contact for further information: Cllr R Morgan**

**Committee Secretary: A Hendry**

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#### **Recommendations/Decisions Required:**

**That the Overview and Scrutiny Progress report from November 2014 to the Present be noted.**

#### **Report:**

##### **Overview and Scrutiny Committee Meeting 10 November 2014**

1. At our meeting on Monday 10 November we received a presentation from Chris Martin, the Integrated Commissioning Director (West) from Essex County Council. He was there to talk about Children's Services in the County and their current commissioning intentions for young people based upon an Early Years review they had recently completed.

2. Mr Martin noted that it was important to support children and their families from birth right through to the early years of their life (2 to 5 years), to give them the best possible opportunity to succeed. They wanted to be challenging and have all the people working across the early years system to have a single vision of what needed to be changed, this would require big shifts in culture and practice.

3. As always, after his presentation, he was closely questioned by the Members of the Committee and the other Members present.

4. We then went on to consider the Communities and Local Government (CLG) Consultation on 'Planning and Travellers', seeking views on proposed changes to planning policy and guidance for the travelling community. The consultation period ended on 23 November 2014.

5. The stated intentions of the proposed changes were to:

- (i) ensure that the planning system applies fairly and equally to both the settled and traveller communities;
- (ii) further strengthen protection of "sensitive areas" and Green Belt; and
- (iii) address the negative impact of unauthorised occupation.

6. The consultation also stated that the Government remained committed to increasing the level of authorised traveller site provision in appropriate locations to address historic undersupply as well as to meet current and future needs.

7. After some discussion we endorsed the officers draft response to the consultation question, which was put into a response letter and dispatched to the CLG under my signature on behalf of the Council.

8. We reviewed both the Committee's and the Scrutiny Panel's work programme for the last six months.

9. We noted that that JCC had asked that the Council's apprentices be allowed to give a presentation to our Committee on their first year working at the Council. We asked that a PICK form be completed so that we could consider this request formally.

10. Finally, we reviewed the Cabinet's Forward Plan but had no specific items that we wanted to consider.

## Waltham Abbey Royal Gunpowder Mills -7/11/2014

I was invited to the Board meeting on the 7<sup>th</sup> of November 2014 to watch the presentation by the Chief Executive Officer. Those present were:

Chief Executive of WARGM.  
Chairman of WARGM Company Ltd.  
Trustees of WARGM Foundation and other Members.

Afterwards I remained in the premises to watch the meeting /presentation with the volunteers.

As I mentioned in my last report, The Royal Gunpowder Mills is a unique, historic site, one of national and international importance. Its sustainable protection over the long term as a heritage asset, one which also enriches experience and greater understanding, must be a primary goal- indeed this is set out in the Foundation Trust's charitable objectives. Since 2002, the Trust has provided multi million grant aid to the Company, to cover operating and development costs, with a substantial annual subsidy.

Despite the considerable financial support, the trustees of the foundation feel that in current circumstances they cannot longer guarantee to subsidise the running of the attraction and at the same time ensuring the repair and maintenance of the sites of Special Scientific Interest, as well as the core zone. They feel that the current strategy will lead to decline and the deterioration of this heritage for which it has overall responsibility.

Different options were considered but unfortunately were ended up in the same conclusion until responding to an advert placed in the Estates Gazette by PGL , the trust agreed to explore whether or not a partnership opportunity with them might be possible, on a long term lease on full repairing and insuring terms.

The WARGM/PGL Partnership- A new era for the Mills? Key points and next steps of a potential future relationship.

Key points:

The Charitable Foundation grants a new lease to the Company and separately one to PGL (***but will enter into this if it is felt that the deal protects the site long term***).

The Foundation in accordance with its mandate and defined charitable objectives, assumes responsibility for preserving and sustaining the SAM and SSSI.

The Company meets its charitable objectives through the operations of a visitor attraction.

PGL take on a fully repairing lease on the building within the lease area and pay an annual rent which is used by the Charitable Foundation to help sustain the wider site.

The Trust and the Mills have found a potential partner whose values align with theirs and who could bring new life to the site and the opportunity to secure the long term future.

The Mills retain the museum and can run this along more sustainable lines. School groups will also be able to use the Queens Mead for letting off steam, enjoying their pre-arranged visits.

The input and knowledge of the volunteers would be retained by the formation of a committee which will work towards new schemes and ideas. Part of the Membership of this new committee will be volunteers, in order to make sure there is involvement by everyone.

The next steps:

***Before the Agreement becomes effective there is a need for formal consent from:***

Epping Forest District Council

English Heritage

The Charity Commission

Natural England and

Heritage Lottery Fund

The agreement is unlikely to be effective before the middle of 2015. Building work will be managed in such a way as to minimise the impact on the operation of the visitor attraction. The aim is for the first phase of the development to start in 2016.

My next report should have consultation schedules and more precise plans, as well as the outcome of the negotiations and the consents of the authorities mentioned above.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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